

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

AGENDA

JUNE 15, 2010

A. ADOPTION OF AGENDA

B. APPROVAL OF MINUTES

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

- | | |
|----------------|---|
| 10-R-1072 (1) | Claim of <u>Janice Sanders, through her attorney, David R. Moore and Emory-Adventist Hospital, c/o ACI</u> , for damages alleged to have been sustained as a result of an automobile accident on February 27, 2009 on I-285 Northbound at Atlanta Road Cobb County. <u>\$7,283.00</u>
and
<u>\$1,717.00</u> |
| 10-R-1073 (2) | Claim of <u>Yvette Dennis, through her attorney, Ronnie Mabra</u> , for damages alleged to have been sustained as a result of an automobile accident on November 19, 2009 at 1501 Lee Street, SW. <u>\$6,000.00</u> |
| 10-R-1074 (3) | Claim of <u>Timothy Greene</u> , for property damages alleged to have been sustained from a sewer backup on January 24, 2010 at 3056 Empire Boulevard, SW. <u>\$5,554.13</u> |
| 10-R-1075 (4) | Claim of <u>SafeCo Insurance Company, as subrogee of Edward Clark Davidson c/o Credit Collection Services</u> , for property damages alleged to have been sustained from an automobile accident on January 7, 2010 at Peachtree Street, NE and Ponce de Leon Avenue, NE. <u>\$5,423.47</u> |
| 10-R-1076 (5) | Claim of <u>Lisa Willis, through her attorney, Chris Chima Nwachukwu</u> , for damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW. <u>\$5,000.00</u> |

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-1077 (6) Claim of **Tiara Hart, through her attorney, Chris Chima Nwachukwu**, for damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW. **\$4,500.00**
- 10-R-1078 (7) Claim of **Yevgeniy Zolotarev**, for vehicular damages alleged to have been sustained from an automobile accident on March 2, 2010 at Highland Avenue, NE and Boulevard, NE. **\$3,862.90**
- 10-R-1079 (8) Claim of **USAA, as sbrogee of Jason M. Bliss**, for damages alleged to have been sustained as a result of an automobile accident on October 30, 2008 at Memorial Drive, SE and Pearl Street, SE. **\$3,637.65**
- 10-R-1080 (9) Claim of **Travelers Home and Marine Insurance Company, as subrogee of Keisha Temple**, for vehicular damages alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE and Boulevard, SE. **\$3,572.49**
- 10-R-1081 (10) Claim of **Alvin E. Singleton**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 25, 2009 at 202 Sixth Street, NE. **\$2,500.00**
- 10-R-1082 (11) Claim of **Jeffery Ivery**, for damages alleged to have been sustained as a result of an automobile accident on February 17, 2010 at 2025 Hosea L. Williams Drive, SE. **\$2,500.00**
- 10-R-1083 (12) Claim of **Tanesha Goldwire Tutt**, for vehicular damages alleged to have been sustained from driving over a deteriorated defective area in the roadway pothole on January 30, 2010 at 800 Marietta Street, NW. **\$1,244.07**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-1084 (13) Claim of **Thomas M. Holder and District Equipment Company**, for damages alleged to have been sustained as a result of striking a construction cut on March 3, 2010 at 3591 Habersham Road. **\$1,067.88**
- 10-R-1085 (14) Claim of **Tanya Lovett**, for vehicular damages alleged to have been sustained from driving over a pothole on April 4, 2010 at 630 Travis Street. **\$1,061.58**
- 10-R-1086 (15) Claim of **Sheshonda Wells**, for property damages alleged to have been sustained after two sewer backups on September 14, 2009 and January 24, 2010 at 3056 Empire Boulevard, SW. **\$1,050.00**
- 10-R-1087 (16) Claim of **Derek and Amy Wilson**, for damages alleged to have been sustained as a result of driving over a pothole on August 27, 2009 at 656 Montgomery Ferry Road. **\$1,000.00**
- 10-R-1088 (17) Claim of **Brooks L. Porch**, for damages alleged to have been sustained as a result of striking a construction cut on November 24, 2009 at 1142 Lanier Boulevard, NE. **\$1,000.00**
- 10-R-1089 (18) Claim of **Larry and Mamie Collins**, for damages alleged to have been sustained as a result of driving over a pothole on January 18, 2010 at 2755 7th Street. **\$1,000.00**

Claims with unfavorable recommendations:

- 10-R-1090 (19) Claim of **Robert H. Dawson, through his attorney, Raegan M. King, LLC**, for bodily injuries alleged to have been sustained from a fall on the escalators on December 1, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1091 (20) Claim of **Westover Plantation Condo Association, c/o Heritage Management Company**, for property damages alleged to have been sustained from a sewer backup on September 21, 2009 at 2475 Defoors Ferry Road.
- 10-R-1092 (21) Claim of **Julie Lewis, through her attorney, Bret T. Thrasher**, for damages alleged to have been sustained as a result of an arrest on May 15, 2009 at 260 18th Street.
- 10-R-1093 (22) Claim of **Emmanuel Thomas**, for damages alleged to have been sustained as a result of driving over a pothole on March 5, 2010 at Peachtree Road at Stratford Road.
- 10-R-1094 (23) Claim of **Hector Velazquez, through his attorney, W. Henry Clerke, IV**, for damages alleged to have been sustained as a result of driving over debris in the roadway on November 11, 2009 at Interstate 20 westbound near Martin Luther King, Jr. Boulevard.
- 10-R-1095 (24) Claim of **Mario L. Taylor and Kristen Colyott, through their attorney, Law Offices of Sonali Garg, P.C.**, for damages alleged to have been sustained from a search, seizure and arrest incident from October 8 through October 15, 2009 at 6124 Redtop Loop, Union City, Georgia.
- 10-R-1096 (25) Claim of **Janice Kuntz**, for damages allegedly sustained as a result of driving over an unsecured metal plate on October 26, 2009 at 698 Bellemeade Avenue.
- 10-R-1097 (26) Claim of **Annie Boyd**, for damages alleged to have been sustained as a result of an automobile accident on March 26, 2010 at 1382 Benteen Avenue.
- 10-R-1098 (27) Claim of **Jerry Ryan**, for damages alleged to have been sustained as a result of vandalism at 2349 Benjamin E. Mays Drive on March 25, 2010.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1099 (28) Claim of **Karis Townsend**, for damages alleged to have been sustained as a result of a sewer backup on March 7, 2010 at 1048 Martin Street.
- 10-R-1100 (29) Claim of **E. A. Gibbons Consulting, LLC, through its attorney, Sam Starks**, for damages alleged to have been sustained as a result of a sewer backup on March 16, 2010 at 3457 Dale Lane.
- 10-R-1101 (30) Claim of **Shirley Chandler**, for damages alleged to have been sustained as a result of her vehicle being struck by a Fire Rescue stretcher on February 14, 2010 at 2040 Lois Place.
- 10-R-1102 (31) Claim of **Jessica Martin, through her attorney, Heather Thorpe**, for damages alleged to have been sustained as a result of an automobile accident on December 21, 2009 at 872 Deckner Avenue.
- 10-R-1103 (32) Claim of **Nationwide Insurance Company, as subrogee of Terrence Arnold**, for vehicular damages alleged to have been sustained from an automobile accident on April 1, 2010 at 1935 Alison Court.
- 10-R-1104 (33) Claim of **State Farm Insurance Companies, as subrogee of Steven T. Fee**, for vehicular damages alleged to have been sustained after driving over a construction metal plate on February 23, 2010 at Piedmont Avenue, NE and Westminster Drive, NE.
- 10-R-1105 (34) Claim of **CNA Insurance Company, as subrogee of Ambling Management Company**, for damages alleged to have been sustained as a result of a Police shooting that occurred on its property on May 5, 2009 at 250 Richardson Street.
- 10-R-1106 (35) Claim of **National Adjustment Bureau**, for damages alleged to have been sustained as a result of an automobile accident on July 31, 2009 at Donald Lee Hollowell Parkway, NW and Oliver Street, NW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1107 (36) Claim of **Michael D. Flood, Sr.**, for property damages alleged to have been sustained due to an automobile accident on January 10, 2010 at Deckner Avenue, SW and Hartford Avenue, SW.
- 10-R-1108 (37) Claim of **Barbara Jackson**, for vehicular damage alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 7, 2010 at 1969 Jonesboro Road, SE.
- 10-R-1109 (38) Claim of **Maria Gresham**, for damages alleged to have been sustained from an adverse employment action on an unspecified date and time at 2025 Hosea L. Williams Drive, SE.
- 10-R-1110 (39) Claim of **Lisa J. Horne**, for vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 14, 2010 at 1969 Jonesboro Road, SE.
- 10-R-1111 (40) Claim of **J. K. Jones, LLC, through its attorney, Marvin S. Arrington, Jr., Esq.**, for damages alleged to have been sustained from a police interference in contractual obligations with the Atrium for the promotion of outdoor events from April 16-18, 2010 at an unspecified location.
- 10-R-1112 (41) Claim of **Lucy Wang**, for damages alleged to have been sustained as a result of striking a catch basin on April 12, 2010 at 10th Street, NW and State Street, NW.
- 10-R-1113 (42) Claim of **Shelia M. Smith**, for damages alleged to have been sustained as a result of striking a construction cut on March 11, 2010 at 2174 Martin Luther King, Jr. Drive.
- 10-R-1114 (43) Claim of **Tammy Y. Bowman**, for damages alleged to have been sustained as a result of a water service account dispute on July 8, 2009 at 3708 Ramsey Circle.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1115 (44) Claim of **Stan Sugarman**, for damages alleged to have been sustained as a result of a sewer backup on March 12, 2010 at 1293 Beecher Street.
- 10-R-1116 (45) Claim of **Lera Longshore**, for damages alleged to have been sustained as a result of forced entry due to a 911 call on January 5, 2010 at 126 Peyton Road, SW.
- 10-R-1117 (46) Claim of **Kristine Duranko**, for damages alleged to have been sustained as a result of striking a construction cut on April 12, 2010 at 145 North Avenue, NE.
- 10-R-1118 (47) Claim of **Mr. and Mrs. Christopher Gaines**, for damages alleged to have been sustained from an arrest on October 28, 2009 at 2044 Campbellton Road, SW.
- 10-R-1119 (48) Claim of **Tracie Guest**, for damages alleged to have been sustained as a result of striking a construction cut on September 20, 2009 at 4435 Greenleaf Circle.
- 10-R-1120 (49) Claim of **Jason Redmond**, for damages alleged to have been sustained as a result of striking a construction cut on March 3, 2010 at 3610 Piedmont Avenue, NE.
- 10-R-1121 (50) Claim of **Leslie Kipling**, for damages alleged to have been sustained as a result of striking a construction cut on April 12, 2010 at 145 North Avenue, NE.
- 10-R-1122 (51) Claim of **Laura Cousins-Baker**, for damages alleged to have been sustained as a result of flooding during a heavy rain event on September 21, 2009 at 157 Ormond Street, SE.
- 10-R-1123 (52) Claim of **Verna Manns**, for damages alleged to have been sustained as a result of driving over a patch of ice on January 27, 2010 at 1835 Detroit Avenue.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1124 (53) Claim of **Julia Bailey**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 24, 2009 at 1345 Monroe Drive.
- 10-R-1125 (54) Claim of **Alvin Dale**, for damages alleged to have been sustained as a result of driving over a newly installed curb on October 27, 2009 at 992 North Highland Avenue.
- 10-R-1126 (55) Claim of **Kathy D. Lanier**, for damages alleged to have been sustained as a result of striking a pothole on January 25, 2010 at Lavista Road, NE and Vista Valley Drive, NE.
- 10-R-1127 (56) Claim of **April Blair**, for damages alleged to have been sustained as a result of striking a construction cut on April 12, 2010 at 145 North Avenue, NE.
- 10-R-1128 (57) Claim of **Alex and Blair King, through their attorney, Sam L. Starks, Esq., Martin & Jones**, for property damages alleged to have been sustained from a sewer backup on March 31, 2005 at 2397 Black Forest Trail, SW.
- 10-R-1129 (58) Claim of **Jarvis A. Williams**, for property damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner on March 10, 2010 at 3099 Panther Trail.
- 10-R-1130 (59) Claim of **Peter and Leslie Bassett**, for property damages alleged to have been sustained from a sewer backup on January 3, 2010 at 311 Oakdale Road, NE.
- 10-R-1131 (60) Claim of **Calvin Reddick**, for vehicular damages alleged to have been sustained from driving over a pothole on March 16, 2010 at Highway 166 exit ramp and Lakewood Avenue, SE.
- 10-R-1132 (61) Claim of **Rhonda Levitt**, for damages alleged to have been sustained as a result of a sewer backup on April 3, 2010 at 3000 Continental Colony Parkway, SW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-1133 (62) Claim of **Debra J. Chandler**, for damages alleged to have been sustained as a result of a damaged water meter curbside on January 20, 2010 at 503 Tarragon Way, SW.
- 10-R-1134 (63) Claim of **Rushie Ushery**, for damages alleged to have been sustained as a result of a sewer backup on February 11, 2010 at 149 Meadow Park Lane.
- 10-R-1135 (64) Claim of **Amaefela and Amber Manuel**, for damages alleged to have been sustained as a result of driving over a pothole on January 22, 2010 at 1214 Sky Haven Road, DeKalb County.
- 10-R-1136 (65) Claim of **Robert Burks**, for damages alleged to have been sustained as a result of a tree falling onto his vehicle on November 12, 2009 at 129 Bromack Drive.
- 10-R-1137 (66) Claim of **Monique Wilcox**, for damages alleged to have been sustained as a result of an automobile accident on August 16, 2009 at 3133 Hickman Drive.
- 10-R-1138 (67) Claim of **Larry Hill**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on April 4, 2010 at Delowe Drive and Delowe Lane.

REGULAR

D. COMMUNICATION

- 10-C-1054 (1) A Communication from Ms. Drewnell Thomas, President, Atlanta Planning Advisory Board, to President Ceasar C. Mitchell submitting their appointment of **Ms. Barbara Hubbard** to serve as a member of the Atlanta Citizen Review Board in the (NPU G-L) category. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.

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E. ORDINANCES FOR SECOND READING

- 10-O-0952 (1) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 98, Article II, Division 2, Sections 98-63 and 98-64; Chapter 114, Article IV, Division I, Section 114-79; Chapter 114, Article IV, Division 7, Subdivision II, Sections 114-229 and 114-230; Chapter 114, Article VI, Division I, Section 114-502; and Chapter 114 Article VI, Division 3, Sections 114-546 and 114-553, so as to change the nondiscretionary rank of Police Captain to a discretionary rank; to repeal conflicting ordinances; and for other purposes.
- 10-O-1173 (2) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes.
- 10-O-1178 (3) An Ordinance by Councilmembers Keisha Lance Bottoms, C. T. Martin, Aaron Watson, Michael J. Bond, Joyce M. Sheperd, H. Lamar Willis, Felicia A. Moore, Kwanza Hall, Ivory L. Young, Jr., Alex Wan, Yolanda Adrean and Carla Smith to amend Chapter 150 (Traffic and Vehicles), Article IV (Stopping, Standing and Parking), Division 3 (Parking Meters), Sections 150-131, 150-132 and 150-133 of the City of Atlanta Code of Ordinances for the purpose of clarifying that the penalty imposed by the Municipal Court for violations of City of Atlanta Code Section 150-132, which provides for parking time limits at metered parking spaces, and City of Atlanta Code Section 150-133, which prohibits overtime parking at metered parking spaces, is a non-criminal civil monetary penalty; and for other purposes.

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F. RESOLUTIONS

- 10-R-0863 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the City of Atlanta Municipal Court, to execute Temporary Service Contracts with fifteen (15) retired City of Atlanta ("City") police officers and four (4) DSI security officers, for the purpose of providing professional security services at the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed Seven Hundred Two Thousand Seven Hundred Ninety Dollars (\$702,790.00). All costs to be charged to Fund, Department, Account, and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts); and for other purposes. **(Referred back from Full Council 6/7/10)**
- 10-R-1000 (2) Claim of Alyce Jackson, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on March 3, 2010 at Piedmont Avenue, NE and Westminster Drive, NE. **(Referred back from Full Council 6/7/10)**
- 10-R-1139 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Minnie Carey v. City of Atlanta, APD Officers Jamie Nelson and Brandy Dolson, Civil Action File No. 1:10-CV-515 -ODE, United States District Court, Northern District of Georgia, Atlanta Division, in the amount of \$20,000.00; to be charged to and paid from the Fund, Account and Center Numbers listed; authorizing payment of \$20,000.00 to her attorney, Robert Douglas Ortman; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
- 10-R-1140 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Erika Schultz v. City of Atlanta, et al., Civil Action File No. 208EV004757A, in the amount of \$100,000.00; to be charged to and paid from the Fund, Account and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

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RESOLUTIONS (CONT'D)

- 10-R-1141 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Atlanta Taxicab Industry Association, et al. v. City of Atlanta, Civil Action File No. 2008CV158751, in the amount of \$425,000.00; to be charged to and paid from the Fund, Account and Center Numbers listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
- 10-R-1154 (6) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into a Contractual Agreement with Revenue Rescue, Inc., for Bid FC-5042, for the purpose of providing Third Party Billing Services on behalf of the Department of Fire Rescue; and for other purposes.

G. PAPERS HELD IN COMMITTEE

- 10-R-0132 (1) A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes. **(Held 1/12/10 for further discussion.)**
- 10-R-0137 (2) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 (3) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**

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Page Thirteen

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0399 (4) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**
- 10-R-0727 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Courtview Justice Solutions, pursuant to FC-6004007843, Automated Court Case Management System, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed \$155,456.00; all costs to be charged to: Fund, Department, Account, and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts); and for other purposes. **(Held 4/27/10 for a Work Session)**
- 10-O-0728 (6) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**
- 10-O-0729 (7) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending Chapter 78, Article III, Section 78-57, Subsection (b), of the Code of Ordinances of the City of Atlanta, on behalf of the City of Atlanta Fire Rescue Department, for the purpose of increasing existing Fire Inspection Fees, Fire Plan Review Fees and Fire Permit Fees; and for other purposes. **(Public Hearing held 6/1/10) (Held 6/1/10)**
- 10-R-0855 (9) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0399 (4) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**
- 10-R-0727 (5) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Courtview Justice Solutions, pursuant to FC-6004007843, Automated Court Case Management System, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed \$155,456.00; all costs to be charged to: Fund, Department, Account, and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts); and for other purposes. **(Held 4/27/10 for a Work Session)**
- 10-O-0728 (6) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**
- 10-O-0729 (7) A **Substitute** Ordinance by Public Safety and Legal Administration Committee amending Chapter 78, Article III, Section 78-57, Subsection (b), of the Code of Ordinances of the City of Atlanta, on behalf of the City of Atlanta Fire Rescue Department, for the purpose of increasing existing Fire Inspection Fees, Fire Plan Review Fees and Fire Permit Fees; and for other purposes. **(Public Hearing held 6/1/10) (Held 6/1/10)**
- 10-R-0839 (8) Claim of **Michael Hopkins**, for damages alleged to have been sustained as a result of a fire hydrant leak on September 28, 2009 at 395 Mt. Zion Road. **(Referred back by Full Council 5/17/10) (Held 6/1/10)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-0855 (9) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

H. EXECUTIVE SESSION

Quarterly Litigation and Claims Report - Jerry Deloach.

I. REQUESTED AND FOLLOW-UP ITEMS

1. Councilmember Young and the Committee will schedule a work session addressing the following issue:
 - a. Police Zone and Beat Realignment (date and time TBD)
Note: Pursuant to Resolution 10-R-0134, the Police Department was requested to develop and submit to the Mayor and Council, a zone and beat redesign plan by July 31, 2010.
2. Councilmember Young requested the Police Department to provide a copy of a 911 transcript and instructions on how the public should use the 911 System.

J. ITEMS NOT ON THE AGENDA

K. COMMENTS FROM THE PUBLIC

L. ADJOURNMENT

Entered - 03/17/09 - sb
CL 09L0213 - LISA CARTER

10- R-1072

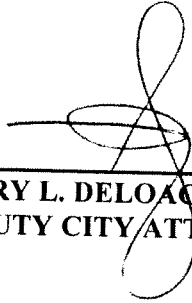
CLAIM OF: **JANICE SANDERS**, through her attorney
David R. Moore
125 Flat Creek Trail, Suite 100
Fayetteville, Georgia 30214
and
EMORY-ADVENTIST HOSPITAL
c/o ACI
P.O. Box 281627
Atlanta, Georgia 30384-1627

For damages alleged to have been sustained as a result of an automobile accident on February 27, 2009 on I-285 Northbound at Atlanta Road Cobb County.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **JANICE SANDERS, through her attorney, David R. Moore** the sum of **\$7,283.00** and **EMORY-ADVENTIST HOSPITAL c/o ACI** the sum of **\$1,717.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on February 27, 2009 on I-285 Northbound at Atlanta Road, Cobb County as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-1


CLAIM OF: **YVETTE DENNIS**
through her attorney
Ronnie Mabra
3830 Princeton Lakes Court
Suite 600
Atlanta, Georgia 30331

For damages alleged to have been sustained as a result of an automobile accident on November 19, 2009 at 1501 Lee Street, SW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **YVETTE DENNIS through her attorney, Ronnie Mabra** the sum of **\$6,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on November 19, 2009 at 1501 Lee Street, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered 5-4-10 sb

CL 10L0408 - GWENDOLYN BURNS

10- R-1074

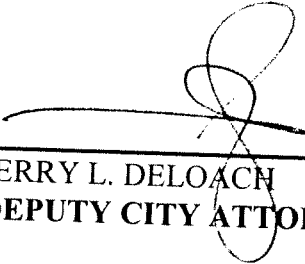
CLAIM OF: **TIMOTHY GREENE**
P.O. Box 420008
Atlanta, Georgia 30342

For property damages alleged to have been sustained from a sewer backup on January 24, 2010 at 3056 Empire Boulevard, SW.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **TIMOTHY GREENE** the sum of **\$5,554.13** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained from a sewer backup on January 24, 2010 at 3056 Empire Boulevard, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **5051/170201/5750002/4310000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-3

Entered - 3-12-10 sb

CL 10L0337 - GWENDOLYN BURNS

10- R -1075

CLAIM OF: **SAFECO INSURANCE COMPANY
AS SUBROGEE OF EDWARD CLARK
DAVIDSON
C/O CREDIT COLLECTION SERVICES
P.O. Box 7249
Portsmouth, NH 03802**

For property damages alleged to have been sustained from
an automobile accident on January 7, 2010 at Peachtree
Street, NE & Ponce De Leon Avenue, NE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that
action of the Department of Law be approved in authorizing
payment to **SAFECO INSURANCE COMPANY AS
SUBROGEE OF EDWARD CLARK DAVIDSON, C/O
CREDIT COLLECTION SERVICES** the sum of **\$5,423.47**
as full and final settlement and satisfaction of all claims, past,
present and future, of every kind and character for property
damages alleged to have been sustained from an automobile
accident on January 7, 2010 at Peachtree Street, NE & Ponce De
Leon Avenue, NE as is more particularly set forth in the within
claim; said sum taken from and charged to account
1001/200101/5212005/1512000.

APPROVED: **PETER J. ANDREWS
ACTING CITY ATTORNEY**

BY: _____
 **JERRY L. DELOACH
DEPUTY CITY ATTORNEY**



C-4

Entered - 04/27/10 - sb
CL 10L0400 - LISA CARTER

10- R-1076

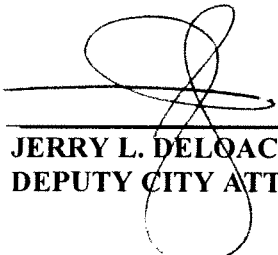
CLAIM OF: **LISA WILLIS**
through her attorney,
Chris Chima Nwachukwu
3350 Riverwood Parkway
Suite 1900
Atlanta, Georgia 30339

For damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **LISA WILLIS through her attorney Chris Chima Nwachukwu** the sum of **\$5,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-5

Entered – 04/27/10 - sb
CL 10L0399 – LISA CARTER

10- R-1077

CLAIM OF: **TIARA HART**
through her attorney,
Chris Chima Nwachukwu
3350 Riverwood Parkway
Suite 1900
Atlanta, Georgia 30339

For damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **TIARA HART through her attorney Chris Chima Nwachukwu** the sum of **\$4,500.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on March 2, 2010 at Hightower Road, NW and St. Paul Avenue, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **PETER J. ANDREWS**
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-6

CLAIM OF: **YEVGENIY ZOLOTAREV**
2276 Dunwoody Crossing, Apt. B
Atlanta, GA 30338

For vehicular damages alleged to have been sustained from
an automobile accident on March 2, 2010 at Highland
Avenue, NE & Boulevard, NE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that
action of the Department of Law be approved in authorizing
payment to **YEVGENIY ZOLOTAREV** the sum of **\$3,862.90**
as full and final settlement and satisfaction of all claims, past,
present and future, of every kind and character for vehicular
damages alleged to have been sustained from an automobile
accident on March 2, 2010 at Highland Avenue, NE &
Boulevard, NE as is more particularly set forth in the within
claim; said sum taken from and charged to account
1001/200101/5212005/1512000.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered -11/21/08 sb
CL 08L0984 - LISA CARTER

10- R -1079

CLAIM OF: USAA,
as subrogee of
Jason M. Bliss
P.O. Box 659476
San Antonio, Texas 78265

For damages alleged to have been sustained as a result of an automobile accident on October 30, 2008 at Memorial Drive, SE and Pearl Street, SE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **USAA, as subrogee of Jason M. Bliss** the sum of **\$3,637.65** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on October 30, 2008 at Memorial Drive, SE and Pearl Street, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: ROGER BHANDARI
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CLAIM OF: **TRAVELERS HOME AND MARINE
INSURANCE COMPANY, AS
SUBROGEE OF KEISHA TEMPLE**
1000 Windward Concourse, 100
Alpharetta, Georgia 30005-2023

For vehicular damages alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE & Boulevard, SE.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **TRAVELERS HOME AND MARINE INSURANCE COMPANY, AS SUBROGEE OF KEISHA TEMPLE** the sum of **\$3,572.49** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained from an automobile accident on November 30, 2009 at McDonough Boulevard, SE & Boulevard, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered – 02/02/10 - sb
CL 10L0084 – LISA CARTER

10-*R*-1081


CLAIM OF: ALVIN E. SINGLETON
210 Sixth Street, NE
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 25, 2009 at 202 Sixth Street, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **ALVIN E. SINGLETON** the sum of **\$2,500.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 25, 2009 at 202 Sixth Street, NE. as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000.**

APPROVED: PETER J. ANDREWS
ACTING CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-10

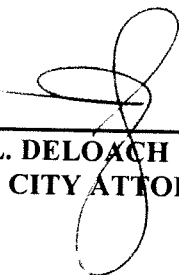
CLAIM OF: **JEFFERY IVERY**
655 El Prado Court
Stone Mountain, Georgia 30083

For damages alleged to have been sustained as a result of an automobile accident on February 17, 2010 at 2025 Hosea L. Williams Drive, SE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **JEFFERY IVERY** the sum of **\$2,500.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on February 17, 2010 at 2025 Hosea L. Williams Drive, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 2-24-10 sb
CL 10L0174 GWENDOLYN BURNS

10-12-1083

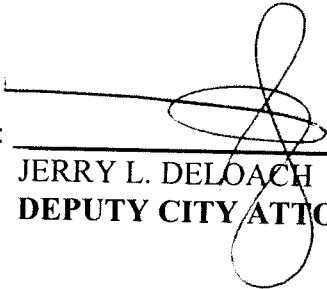
CLAIM OF: **TANESHA GOLDWIRE TUTT**
1622 Cove Creek Circle
Norcross, Georgia 30093

For vehicular damages alleged to have been sustained from driving over a deteriorated defective area in the roadway pothole on January 30, 2010 at 800 Marietta Street, NW.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **TANESHA GOLDWIRE TUTT** the sum of **\$1,244.07** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained from driving over a deteriorated defective area in the roadway pothole on January 30, 2010 at 800 Marietta Street, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-12

Entered – 03/22/10 - sb
CL 10L0267 – LISA CARTER

10-12-1084

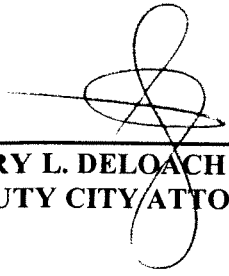
CLAIM OF: **THOMAS M. HOLDER AND
DISTRICT EQUIPMENT COMPANY**
3344 Peachtree Road # 4503
Atlanta, Georgia 30326

For damages alleged to have been sustained as a result of striking a construction cut on March 3, 2010 at 3591 Habersham Road.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **THOMAS M. HOLDER AND DISTRICT EQUIPMENT COMPANY** the sum of **\$1,067.88** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of striking a construction cut on March 3, 2010 at 3591 Habersham Road as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-13

Entered – 5-12-10 sb
CL 10L0425 GWENDOLYN BURNS

10-12-1085

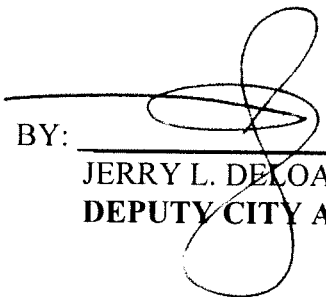
CLAIM OF: **TANYA LOVETT**
2874 Karen Road
Atlanta, Georgia 30337

For vehicular damages alleged to have been sustained from driving over a pothole on April 4, 2010 at 630 Travis Street.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **TANYA LOVETT** the sum of **\$1,061.58** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained from driving over a pothole on April 4, 2010 at 630 Travis Street as is more particularly set forth in the within claim; said sum taken from and charged to account **1001/200101/5212005/1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY


CLAIM OF: **SHESHONDA WELLS**
3056 Empire Boulevard
Atlanta, Georgia 30354

For property damages alleged to have been sustained after two sewer backups on September 14, 2009 and January 24, 2010 at 3056 Empire Boulevard, SW.

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **SHESHONDA WELLS** the sum of **\$1,050.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained from two sewer backups on September 14, 2009 and January 24, 2010 at 3056 Empire Boulevard, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **5051/170201/5750002/4310000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

10-R-1087

Entered – 10/2/09 - sb
CL – 09L0738 - ANGELENA KELLY

CLAIM OF: Derek Wilson
 Amy Wilson
 730 3rd Avenue
 Decatur, GA 30030

For damages alleged to have been sustained as a result of a driving over a pothole on August 27, 2009 at 656 Montgomery Ferry Road.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Derek Wilson and Amy Wilson** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a driving over a pothole on August 27, 2009 at 656 Montgomery Ferry Road as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **PETER J. ANDREWS**
 ACTING CITY ATTORNEY

BY: 
 JERRY L. DELOACH
 DEPUTY CITY ATTORNEY

C-16

Entered – 05/04/10 - sb
CL 10L0420 – LISA CARTER

10-R-1088

CLAIM OF: **BROOKS L. PORCH**
1161 University Drive, NE
Atlanta, Georgia 30306

For damages alleged to have been sustained as a result of striking a construction cut on November 24, 2009 at 1142 Lanier Boulevard, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **BROOKS L. PORCH** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of striking a construction cut on November 24, 2009 at 1142 Lanier Boulevard, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: PETER J. ANDREWS
 ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-17

10-*R*-1089

Entered – 2/4/10 - sb
CL – 10L0089 - ANGELENA KELLY

CLAIM OF: Larry Collins
Mamie Collins
875 Hank Aaron Drive
Atlanta, GA 30315

For damages alleged to have been sustained as a result of driving over a pothole on January 18, 2010 at 2755 7th Street.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Larry Collins and Mamie Collins** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over a pothole on January 18, 2010 at 2755 7th Street as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: **PETER J. ANDREWS**
ACTING CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-18

Entered - 5-4-10 sb
CL 10L0409- GWENDOLYN BURNS

10-R-1090

CLAIM OF: ROBERT H. DAWSON
THROUGH HIS ATTORNEY
RAEGAN M. KING, LLC
Ravinia Drive, Suite 500
Atlanta, GA 30346

For bodily injuries alleged to have been sustained from a fall
on the escalators on December 1, 2009 at Hartsfield-Jackson
Atlanta International Airport, 8700 Spine Road.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 3-29-10 sb
CL 10L0287 GWENDOLYN BURNS

10-R-1091

CLAIM OF: **WESTOVER PLANTATION CONDO
ASSOCIATION, C/O HERITAGE
MANAGEMENT COMPANY**
500 Sugar Mill Road, Building B, Suite 200
Atlanta, Georgia 30350

For property damages alleged to have been sustained from a
sewer back up on September 21, 2009 at 2475 Defoors Ferry
Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-20

10-*R*-1092

Entered – 5/4/10 - sb
CL- 10L0418 - Angelena Kelly

Claim of: Julie Lewis
Through her attorney Bret T. Thrasher
40 Technology Parkway, Suite 300
Norcross, GA 30092

For damages alleged to have been sustained as a result of
an arrest on May 15, 2009 at 260 18th Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-21

Entered - 4/19/10 - sb
CL - 10L0363 - Angelena Kelly

10-R-1093

Claim of: Emmanuel Thomas
2168 Deerwoods Way
Marietta, GA 30062

For damages alleged to have been sustained as a result of driving
over a pothole on March 5, 2010 at Peachtree Road at Stratford
Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-22

10-*R*-1094

Entered - 4/19/10 - sb
CL - 10L0367 - Angelena Kelly

Claim of: Hector Velazquez
 Through his attorney W. Henry Clerke, IV
 630 Village Trace
 Building 15, Suite E
 Marietta, GA 30067

For damages alleged to have been sustained as a result of driving
over debris in the roadway on November 11, 2009 at Interstate
20 Westbound near Martin Luther King Jr. Boulevard.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-23

Entered – 10-28-09 sb
CL 10L0336 GWENDOLYN BURNS

10-R-1095

CLAIM OF: **MARIO L. TAYLOR AND
KRISTEN COLYOTT
THROUGH THEIR ATTORNEY,
LAW OFFICES OF SONALI GARG P.C.
3300 Buckeye Road, Suite 600
Atlanta, Georgia 30341**

For damages alleged to have been sustained from a search,
seizure and arrest incident from October 8 through October
15, 2009 at 6124 Redtop Loop, Union City, Georgia.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-24

Entered - 5/20/10 - sb
CL- 10L0465 - Angelena Kelly

10-R-1096

Claim of: Janice Kuntz
7 Walnut Hill Place
Atlanta, GA 30318

For damages allegedly sustained as a result of driving over
an unsecured metal plate on October 26, 2009 at 698
Bellemade Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-25

10-*R*-1097

Entered - 4/16/10 - sb
CL- 10L0354 - Angelena Kelly

Claim of: Annie Boyd
1382 Benteen Avenue
Atlanta, GA 30315

For damages alleged to have been sustained as a result of an automobile accident on March 26, 2010 at 1382 Benteen Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-26

10-*R*-1098

Entered - 5/4/10 - sb
CL -10L0416 -ANGELENA KELLY

Claim of: Jerry Ryan
240 Applejack Drive
Douglasville, GA 30134

For damages alleged to have been sustained as a result of
vandalism at 2349 Benjamin E. Mays Drive on March 25,
2010.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 4/19/10 - sb
CL- 10L0366 - Angelena Kelly

10-*R*-1099

Claim of: Karis Townsend
1048 Martin Street
Atlanta, GA 30315

For damages alleged to have been sustained as a result of a
sewer back-up on March 7, 2010 at 1048 Martin Street.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered – 4/19/10- sb
CL- 10L0365 - Angelena Kelly

10-*R*-1100

Claim of: E.A. Gibbons Consulting, LLC
Through its attorney Sam Starks
3355 Peachtree Road, Suite 510
Atlanta, GA 30326

For damages alleged to have been sustained as a result of a
sewer back-up on March 15 and March 16, 2010 at 3457
Dale Lane.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 3/4/10 - sb
CL- 10L0217 - Angelena Kelly

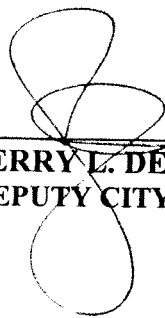
10-*R*-1101

Claim of: Shirley Chandler
2040 Lois Place
Atlanta, GA 30318

For damages alleged to have been sustained as a result of
her vehicle being struck by a Fire Rescue stretcher on
February 14, 2010 at 2040 Lois Place.

THIS ADVERSED REPORT IS APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-30

10-ℓ-1102

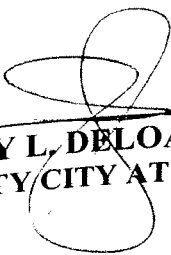
Entered – 2/4/10 - sb
CL- 10L0097 - Angelena Kelly

Claim of: **Jessica Martin**
Through her attorney Heather Thorpe
3343 Peachtree Road, Suite 350
Atlanta, GA 30326

For damages alleged to have been sustained as a result of an automobile accident on December 21, 2009 at 872 Deckner Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-31

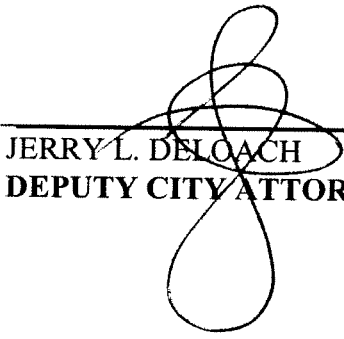
Entered - 4-6-10 sb
CL 10L0320 - GWENDOLYN BURNS

10-12-1103

CLAIM OF: **NATIONWIDE INSURANCE
COMPANY AS SUBROGEE OF
TERRENCE ARNOLD**
4550 North Pointe Parkway
Suite 145
Atlanta, GA 30022

For vehicular damages alleged to have been sustained from
an automobile accident on April 1, 2010 at 1935 Alison
Court.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-32

Entered - 4-16-10 sb

CL 10L0339 - GWENDOLYN BURNS

10-*R*-1104

CLAIM OF: **STATE FARM INSURANCE
COMPANIES AS SUBROGEE OF
STEVEN T. FEE
P.O. Box 2371
Bloomington, IL 61702-2371**

For vehicular damages alleged to have been sustained after driving over a construction metal plate on February 23, 2010 at Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____


**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C-33

Entered - 4/6/10 - sb
CL - 10L0325 - Angelena Kelly

10-*R*-1105

Claim of: CNA Insurance Company
As subrogee of Ambling Management
Company
P.O. Box 8317
Chicago, IL 60680

For damages alleged to have been sustained as a result of a
Police shooting that occurred on its property on May 5, 2009 at
250 Richardson Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DEMOACH
DEPUTY CITY ATTORNEY

C-34

Entered 04/16/10 sb
CL 10L0353 – LISA CARTER

10-*R*-1106

**CLAIM OF: NATIONAL ADJUSTMENT
BUREAU
800 Yamato Road # 100
Boca Raton, FL 33431**

For damages alleged to have been sustained as a result of an automobile accident on July 31, 2009 at Donald Lee Hollowell Parkway, NW and Oliver Street, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C-*B*5

Entered – 5/4/10 sb

CL 10L0405 - GWENDOLYN BURNS

10-12-1107

CLAIM OF: **MICHAEL D. FLOOD, SR.**
3640 Barbara Drive
Douglasville, Georgia 30135

For property damages alleged to have been sustained due to
an automobile accident on January 10, 2010 at Deckner
Avenue, SW & Hartford Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-26

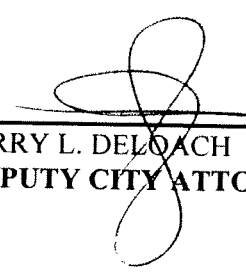
Entered - 5-4-10 sb
CL 10L0406 GWENDOLYN BURNS

CLAIM OF: **BARBARA JACKSON**
6552 W. Fayetteville Road
Riverdale, Georgia 30296

10-R-1108

For vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 7, 2010 at 1969 Jonesboro Road, SE.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-51

Entered – 4-16-10 sb
CL 10L0330 - GWENDOLYN BURNS

CLAIM OF: **MARIA GRESHAM**
P.O. Box 191513
Atlanta, GA 31119

10-R-1109

For damages alleged to have been sustained from an adverse employment action on an unspecified date and time at 2025 Hosea L. Williams Drive, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CBS

Entered – 5-4-10 sb
CL 10L0406 GWENDOLYN BURNS

CLAIM OF: **LISA J. HORNE**
124 Montclair Place
Ellenwood, Georgia 30294

10-R-1110

For vehicular damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner in the road on March 14, 2010 at 1969 Jonesboro Road, SE.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-39

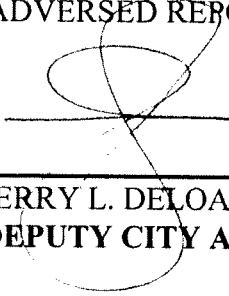
Entered – 4-19-10 sb
CL 10L0374 GWENDOLYN BURNS

10- R -1111

CLAIM OF: **J. K. JONES, LLC**
THROUGH ITS ATTORNEY,
MARVIN S. ARRINGTON, JR., ESQ.
775 Houston Mill Road
Suite #4
Atlanta, Georgia 30329

For damages alleged to have been sustained from a police interference in contractual obligations with The Atrium for the promotion of outdoor events from April 16–18, 2010, at an unspecified location.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-40

Entered 05/04/10 sb
CL 10L0412 – LISA CARTER

10- R -1112

CLAIM OF: LUCY WANG
2930 Greenbrook Way
Atlanta, Georgia 30345

For damages alleged to have been sustained as a
result of striking a catch basin on April 12, 2010 at
10th Street, NW and State Street, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

10,41

Entered 05/04/10 sb
CL 10L0410 – LISA CARTER

10- R -1113

CLAIM OF: SHELIA M. SMITH
15021 Skyline Lane
Atlanta, Georgia 30345

For damages alleged to have been sustained as a
result of striking a construction cut on March 11,
2010 at 2174 Martin Luther King Jr. Drive.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-42

Entered 04/27/10 sb
CL 10L0397 – LISA CARTER

10- R-1114

CLAIM OF: TAMMY Y. BOWMAN
3708 Ramsey Circle
Atlanta, Georgia 30331

For damages alleged to have been sustained as a
result of a water service account dispute on July 8,
2009 at 3708 Ramsey Circle.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C43

Entered 04/16/10 sb
CL 10L0345 – LISA CARTER

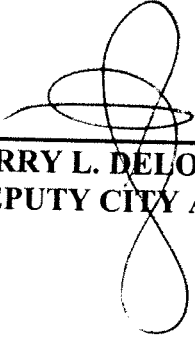
10- R -1115

CLAIM OF: STAN SUGARMAN
88 Bates Avenue, NE
Atlanta, Georgia 30317

For damages alleged to have been sustained as a
result of a sewer back up on March 12, 2010 at
1293 Beecher Street.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

1141

Entered 04/16/10 sb
CL 10L0341 – LISA CARTER

10- R -1116

CLAIM OF: LERA LONGSHORE
126 Peyton Road, SW
Atlanta, Georgia 30311

For damages alleged to have been sustained as a
result of forced entry due to a 911 call on January 5,
2010 at 126 Peyton Road, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-4/5

Entered 05/04/10 sb
CL 10L0411 – LISA CARTER

10- R-1117

CLAIM OF: KRISTINE DURANKO
831 B Piedmont Avenue, NE
Atlanta, Georgia 30308

For damages alleged to have been sustained as a
result of striking a construction cut on April 12,
2010 at 145 North Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 4-1-10 sb

CL 10L0302 GWENDOLYN BURNS

10- R -1118

CLAIM OF: **MR. AND MRS. CHRISTOPHER
GAINES**

2044 Campbellton Road, Suite W
Atlanta, Georgia 30311

For damages alleged to have been sustained from an arrest
on October 28, 2009 at 2044 Campbellton Road, SW.

THIS ADVERSED REPORT IS APPROVED

BY: _____

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C47

Entered 10/09/09 sb
CL 09L0757 - LISA CARTER

10- R -1119

CLAIM OF: TRACIE GUEST
853 Oakdale Drive
Forest Park, Georgia 30297

For damages alleged to have been sustained as a
result of striking a construction cut on September
20, 2009 at 4435 Greenleaf Circle.

THIS ADVERSED REPORT IS
APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-418

Entered 03/22/10 sb
CL 10L0268 – LISA CARTER

10- R-1120

CLAIM OF: JASON REDMOND
3682 Harvest Drive
Decatur, Georgia 30034

For damages alleged to have been sustained as a
result of striking a construction cut on March 3,
2010 at 3610 Piedmont Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-49

Entered 04/16/10 sb
CL 10L0340 – LISA CARTER

10- R -1121

CLAIM OF: LESLIE KIPLING
607 Page Avenue
Atlanta, Georgia 30307

For damages alleged to have been sustained as a
result of striking a construction cut on April 12,
2010 at 145 North Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CSD

Entered 04/01/10 sb
CL 10L0311 – LISA CARTER

10- R-1122

CLAIM OF: LAURA COUSINS-BAKER
157 Ormond Street, SE
Atlanta, Georgia 30315

For damages alleged to have been sustained as a
result of flooding during a heavy rain event on
September 21, 2009 at 157 Ormond Street, SE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C51

Entered - 2/15/10 - sb
CL - 10L0154 - Angelena Kelly

10- R-1123

Claim of: Verna Manns
1423 Northwest Drive
Atlanta, GA 30318

For damages alleged to have been sustained as a result of driving
over a patch of ice on January 27, 2010 at 1835 Detroit Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-52

Entered - 1/11/10 - sb
CL- 10L0010 - Angelena Kelly

10- R-1124

Claim of: Julia Bailey
947 Highland Terrace
Atlanta, GA 30306

For damages alleged to have been sustained as a result of a driving over an unsecured construction cut on October 24, 2009 at 1345 Monroe Drive.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-53

Entered - 11/18/09 - sb
CL - 09L0893 - Angelena Kelly

10- R -1125

Claim of: Alvin Dale
142 Interlochen Drive
Atlanta, GA 30342

For damages alleged to have been sustained as a result driving
over a newly installed curb on October 27, 2009 at 992 North
Highland Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

1154

Entered 05/21/10 sb
CL 10L0461 – LISA CARTER

10-*R*-1126

CLAIM OF: KATHY D. LANIER
2393 Desmond Drive
Decatur, Georgia 30033

For damages alleged to have been sustained as a
result of striking a pothole on January 25, 2010 at
Lavista Road, NE and Vista Valley Drive, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-55

Entered 05/12/10 sb
CL 10L0434 – LISA CARTER

10-R-1127

CLAIM OF: APRIL BLAIR
3435 Hudson Lane
Loganville, Georgia 30052

For damages alleged to have been sustained as a
result of striking a construction cut on April 12,
2010 at 145 North Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

1,56

Entered -- 4-26-10 sb
CL 10L0395 - GWENDOLYN BURNS

10-R-1128

CLAIM OF: **ALEX AND BLAIR KING**
 THROUGH THEIR ATTORNEY
 SAM L. STARKS, ESQ.
 MARTIN & JONES
 Atlanta Financial Center
 Suite 510
 3353 Peachtree Road, NE
 Atlanta, Georgia 30326

For property damages alleged to have been sustained from a
sewer backup on March 31, 2005 at 2397 Black Forest
Trail, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C57

Entered - 3-12-10 sb
CL 10L0229 - GWENDOLYN BURNS

CLAIM OF: **JARVIS A. WILLIAMS**
3515 Rolling Green Ridge
Atlanta, Georgia 30331

10-R-1129

For property damages alleged to have been sustained after driving over a construction site that was left in an unsafe manner on March 10, 2010 at 3099 Panther Trail.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-58

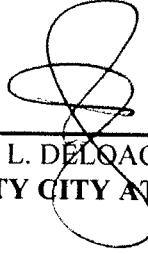
Entered - 3-29-10 sb
CL 10L0287 GWENDOLYN BURNS

10-*V*-1130

CLAIM OF: **PETER AND LESLIE BASSETT**
311 Oakdale Road, NE
Atlanta, Georgia 30307

For property damages alleged to have been sustained from a
sewer back up on January 3, 2010 at 311 Oakdale Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C59

Entered -3-29-10 sb
CL 09L0834 GWENDOLYN BURNS

10-R-1131

CLAIM OF: **CALVIN REDDICK**
2422 Antwrep Drive, SE
Atlanta, Georgia 30315

For vehicular damages alleged to have been sustained from driving over a pothole on March 16, 2010 at Highway 166 exit ramp and Lakewood Avenue, SE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-60

Entered 05/12/10 sb
CL 10L0429 – LISA CARTER

10-12-1132

CLAIM OF: RHONDA LEVITT
3000 Continental Colony
Parkway Apartment F-150
Atlanta, Georgia 30331

For damages alleged to have been sustained as a
result of a sewer back up on April 3, 2010 at 3000
Continental Colony Parkway, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-61

Entered 02/12/10 sb
CL 10L0126 – LISA CARTER

10-R-1133

CLAIM OF: DEBRA J. CHANDLER
233 Glory Lane
Powder Springs, Georgia
30127

For damages alleged to have been sustained as a
result of a damaged water meter curbcock on
January 20, 2010 at 503 Tarragon Way, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-62

Entered - 5/12/10 - sb
CL- 10L0437 - Angelena Kelly

10- 12-1134

Claim of: Rushie Ushery
149 Meadow Park Lane
Atlanta, GA 30315

For damages alleged to have been sustained as a result of a
sewer back-up on February 11, 2010 at 149 Meadow Park
Lane.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-63

Entered - 2/15/10 - sb
CL - 10L0141 - Angelena Kelly

10-2-1135

Claim of: Amaefela Manuel and Amber Manuel
1447 Sky Haven Road
Atlanta, GA 30316

For damages alleged to have been sustained as a result of driving
over a pothole on January 22, 2010 at 1214 Sky Haven Road,
DeKalb County.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-64

Entered – 5/19/10 - sb
CL – 10L0451 - ANGELENA KELLY

10-R-1136

Claim of: Robert Burks
4174 O'Hara Road
Forest Park, GA 30021

For damages alleged to have been sustained as a result of a tree falling onto his vehicle on November 12, 2009 at 129 Bromack Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-65

Entered - 5/12/10 - sb
CL- 10L0436 - Angelena Kelly

10- R-1137

Claim of: Monique Wilcox
1102 Westchase Lane, # 306
Atlanta, GA 30336

For damages alleged to have been sustained as a result of an automobile accident on August 16, 2009 at 3133 Hickman Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Ctd


Entered - 4-16-10 sb
CL 10L0329 - GWENDOLYN BURNS

10-R-1138

CLAIM OF: **LARRY HILL**
3281 Hazelwood Drive, SW
Atlanta, Georgia 30311

For vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on April 4, 2010 at Delowe Drive and Delowe Lane.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-67



10-C-1054



-1054

CITY OF ATLANTA
KASIM REED - MAYOR

2010 Officers

May 13, 2010

President

Drewnell Thomas

The Honorable Ceasar Mitchell
President Atlanta City Council
55 Trinity Street, SW
Atlanta, GA 30303

1st Vice President

Melissa Firestone

Subject: Nomination of Barbara Hubbard
For service on The Atlanta Citizen Review Board

2nd Vice President

Sharath Mekala

Dear President Mitchell and Members of the Council:

Recording Secretary

Cathy Muzzy

It is my pleasure to Nominate **Barbara Hubbard** to represent the Atlanta Planning Advisory Board "(APAB)" on the Citizen Review Board "(CRB)" on behalf of the City of Atlanta. Barbara Hubbard is a resident of Atlanta and is willing to serve in this capacity. This appointment is for a term of **3 years** to expire on **(insert date provided by the clerk's office)**.

Correspondance Secretary

Cathy Richards

Parliamentarian

*Patrise Perkins
Hooker*

I am confident that Barbara Hubbard will serve the Citizen Review Board "(CRB)" on behalf of the Atlanta Planning Advisory Board with integrity and dedication. A copy of **her** resume is attached for your review.

*NPU / Citizens
Participation
Coordinator*

*Wendy Scruggs-
Murray*

Sincerely,

Atlanta City Hall
55 Trinity Avers
Atlanta, GA 30303

Drewnell Thomas
(Ms.) Drewnell Thomas, President
Atlanta Planning Advisory Board

D-1

From: b19714 [b19714@bellsouth.net]
Sent: Tuesday, March 23, 2010 5:41 PM
To: dthomast@bellsouth.net
Subject: Barbara Hubbard

RESUME

Barbara Hubbard, resident of NPU H, Carroll Heights Adamsville community for 21 years; resident of the City of Atlanta since 1978. APAB delegate since 2008. Presently serving as secretary for NPU H and code enforcement chair; assistant poll manager for precinct 03L, member of League of Women Voters of Atlanta; active member of United Methodist church. Served as Installation Chief in Bureau of Solid Waste Services, Department of Public Works for the City of Atlanta. Retired from the City of Atlanta in June 2008. One son, six grandchildren.

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

10-0-0952

TO AMEND CHAPTER 98, ARTICLE II, DIVISION 2, SECTIONS 98-63 AND 98-64; CHAPTER 114, ARTICLE IV, DIVISION 1, SECTION 114-79; CHAPTER 114, ARTICLE IV, DIVISION 7, SUBDIVISION II, SECTIONS 114-229 AND 114-230; CHAPTER 114, ARTICLE VI, DIVISION 1, SECTION 114-502; AND CHAPTER 114, ARTICLE VI, DIVISION 3, SECTIONS 114-546 AND 114-553, SO AS TO CHANGE THE NONDISCRETIONARY RANK OF POLICE CAPTAIN TO A DISCRETIONARY RANK; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the commander of an Atlanta Police zone must hold the rank of Police Major; and

WHEREAS, the duties and responsibilities of the zone commander include supervising the various watch commanders who hold the rank of Police Lieutenant; and

WHEREAS, the supervisory responsibilities of a zone commander are constant, and therefore each zone is also assigned an assistant zone commander; and

WHEREAS, the rank of Police Captain is below that of Police Major and above that of Police Lieutenant; and

WHEREAS, currently, the rank of Police Captain is a non-discretionary rank; and

WHEREAS, the Atlanta Police Department has not administered the Captain's promotional exam since 1993; and

WHEREAS, there are no current members of the Atlanta Police Department who hold the rank of Captain; and

WHEREAS, because there are no current Police Captains, various lieutenants have been designated as assistant zone commanders; and

WHEREAS, the level of supervisory responsibility of the position of assistant zone commander and comparable supervisory positions, require that they be ranked above lieutenant and that appointments thereto be made at the discretion of the police chief; and

WHEREAS, it is the desire of the City of Atlanta to re-classify the supervisory rank of Police Captain as a discretionary rank in order to so designate assistant zone commanders and comparable supervisors.

E-1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1. That Chapter 98, Article II, Division 2, Section 98-63, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 98-63. Applicability.

The rules and procedures in this division shall apply to promotions in the department of police to the ranks of police sergeant **and** lieutenant. ~~and captain.~~

SECTION 2. That Chapter 98, Article II, Division 2, Section 98-64, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 98-64. Ranking of members.

- (a) Sworn members of the department of police in the nondiscretionary ranks of police officer, sergeant, lieutenant and captain on the effective date of the ordinance from which this section derives shall be given status in the nondiscretionary ranks they hold as of that date. Sworn members of the department of police holding discretionary ranks on the effective date of the ordinance from which this section derives shall be given status in the nondiscretionary ranks they held at the time they were appointed to the most recent discretionary ranks.

- (b) **Effective July 1, 2010, the rank of Police Captain was reclassified as a discretionary rank.**

SECTION 3. That Chapter 114, Article IV, Division 1, Section 114-79(e)(2), of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-79. Civil Service Board.

- (e) The board shall conduct its business in the manner provided in Appendix III and shall perform the following functions:
 - (2) Hold hearings when requested by an employee or an appointing authority on final demotions, suspensions, dismissals or other such adverse actions with reference to the classified service and have power to make final determinations and dispositions in such matters. Hearings may also be held for sworn officers who hold the position of ~~captain~~ **lieutenant** and any rank below that of ~~lieutenant~~ **captain** in of the department of police and **sworn officers who hold the rank of captain and any rank below that of captain in the department of fire** when such a hearing is requested. No officer or employee of the department of police or

department of fire who is in a probationary status of initial employment with the department shall be entitled to a hearing.

SECTION 4. That Chapter 114, Article IV, Division 7, Subdivision II, Section 114-229, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-229. Applicability.

This subdivision shall apply to promotions to the supervisory and mid-management ranks of sergeant **and** lieutenant ~~and captain~~ in the department of police, lieutenant and captain in the department of fire, and sergeant, lieutenant and captain in the department of corrections.

SECTION 5. That Chapter 114, Article IV, Division 7, Subdivision II, Section 114-230, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-230. Status of present sworn members.

(a) Sworn members in the nondiscretionary ranks of police officer, sergeant, lieutenant and captain in the department of police and firefighter, lieutenant and captain in the department of fire, on the effective date of the ordinance from which this subdivision derives [March 27, 2007] and sworn members in the nondiscretionary ranks of corrections officer, sergeant, lieutenant and captain in the department of corrections on the amended date of the ordinance from which this subdivision derives [June 15, 1999] shall be given status in the nondiscretionary rank they hold as of that date. Sworn members of the department holding discretionary ranks on the effective date of the ordinance from which this subdivision derives, or the amended date as applicable, shall be given status in the non-discretionary rank they held at the time they were appointed to their first discretionary rank.

(b) **Effective July 1, 2010, the rank of Police Captain was reclassified as a discretionary rank.**

SECTION 6. That Chapter 114, Article VI, Division 1, Section 114-502, of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-502. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adverse action means a disciplinary action taken for cause by a department head or designee which results in suspension without pay, demotion or dismissal of a regular, nonprobationary employee in the classified service of the city or any regular nonprobationary

sworn officer of the department of police **who holds the rank of lieutenant or below** or **any regular nonprobationary sworn officer of the** department of fire who holds the rank of captain or below. It does not include actions which result from challenging the decision to implement or the scope of a reduction in force or actions resulting from insufficient funds, decrease in funds or departmental reorganization or denial of annual increase based on the employee receiving a less than effective performance evaluation. Adverse actions may be appealed to the civil service board.

Appeal means a written request by an employee for review by the civil service board of an adverse action, removal from the eligible list, procedures used in a reduction in force or unjust coercion or reprisal as provided in this article.

Appointing authority means the official, group of officials, acting official or other person designated by the proper authority having the power of appointment, employment or election to or removal from subordinate positions in the city employment service.

Board means the civil service board of the city.

Classified service means that which is referenced in 114-84.

Commissioner, unless otherwise specified, means the commissioner of human resources.

Counseling means a deliberation or discussion between employee and supervisor in which the employee's supervisor advises the employee regarding the appropriateness of work-related attitudes, behaviors, actions, conduct or performance of the employee and where necessary offers assistance or advise in correcting such.

Days, unless otherwise specified, means working days.

Demotion means a change of employment to a position in a class which has a lower maximum salary limit than the class from which the assignment was made. A reduction in pay shall not be deemed a demotion for cause if such reduction results from a demotion during a probationary period such that the employee is returned to the position held immediately prior to the promotion, a reduction in force, insufficient funds, decrease in funds, departmental reorganization or a change of appointment made in the discretion of the appointing authority as provided by this Code and shall not be appealable under this article.

Disciplinary action means an action taken for cause by a department head or designee which results in an oral admonishment, a written reprimand, demotion, suspension with or without pay or dismissal of a regular nonprobationary employee in the classified service of the city or any regular nonprobationary sworn officer of the department of police **who holds the rank of lieutenant or below** or **any regular nonprobationary sworn officer of the** department of fire who holds the rank of captain or below. Disciplinary actions include all adverse actions. Only those disciplinary actions which are adverse actions, suspension without pay, demotions or dismissals, by definition of this article, are appealable to the civil service board.

Dismissal means the discharge, termination or removal of an employee from employment with the city.

Eligible means a person who has qualified to be placed on a list or register of persons eligible for employment with the city pursuant to article IV of this chapter pertaining to civil service.

Grievance means a written request by an employee for review of an allegation which describes a work-related event or a condition of employment which the employee reasonably believes is unfair in light of the rules, regulations and standards which govern the employment relationship with the city.

Hearing officer means a member of the civil service board appointed by the mayor and confirmed by the council as provided in this article and who is designated in routine rotation sequence to hear appeals filed with the civil service board.

Hearing panel means three members of the civil service board who are designated in routine rotation sequence to hear appeals of dismissals filed with the civil service board.

Oral admonishment means a verbal discussion by a supervisor with an employee calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the substandard work performance or inappropriate conduct within a specified timeframe.

Performance evaluation means a periodic written report approved by the appointing authority or designee relative to the work-related conduct and performance of the employee and which is issued in accordance with article IV of this chapter.

Probationary employee means any employee appointed to a regular position who has not completed the required probationary period in a given class qualifying the employee for regular employment in that class served in accordance with article IV of this chapter.

Reprimand means a written report to an employee by a supervisor calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the substandard work performance or inappropriate conduct within a specified timeframe.

Separation means termination of the employment relationship.

Suspension means the temporary removal of an employee from a position of employment with the city with or without pay.

SECTION 7. That Chapter 114, Article VI, Division 3, Section 114-546 (1), of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-546. Right to file appeal.

- (1) *Adverse actions.* Any nonprobationary employee in the classified service or any nonprobationary sworn officer of the department of police **who holds the rank of lieutenant or below that of lieutenant** or **sworn officer of the** department of fire who holds the rank of captain or any rank below that of captain shall have the right to file an appeal of an adverse action, i.e., suspension, demotion or dismissal, to the civil service board pursuant to the procedures in this article.

SECTION 8. That Chapter 114, Article VI, Division 3, Section 114-553 (b), of the City of Atlanta Code of Ordinances shall be deleted in its entirety and replaced such that it shall read as follows:

Sec. 114-553. Decision of hearing officer/panel.

- (b) *Finality of decision.* The decision of the hearing officer/panel shall be binding on both parties. For appeals of adverse actions, the hearing officer/panel may modify the action of the appointing authority but may not increase the severity of such action on the employee. If the appellant is a nonprobationary sworn officer of the department of police **who holds the rank of lieutenant or below that of lieutenant** or **sworn officer of the** department of fire who holds the rank of captain or any rank below that of captain, the hearing officer/panel may not modify, but must affirm or revoke a suspension or demotion and may affirm, revoke or modify a dismissal to no less than a 30-day suspension. The appointing authority shall promptly comply with the final decision as may be issued as a result of the appeal.

SECTION 9. The amendments in this ordinance shall become effective July 1, 2010.

SECTION 10. That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Legislative Counsel: s/Amber A. Robinson

Contact Number: 404-330-6494

Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: May 11, 2010

Anticipated Committee Meeting Date(s): June 1 and 2, 2010

Anticipated Full Council Date: June 7, 2010

Commissioner Signature

Chief Procurement Officer Signature N/A

CAPTION

TO AMEND CHAPTER 98, ARTICLE II, DIVISION 2, SECTIONS 98-63 AND 98-64; CHAPTER 114, ARTICLE IV, DIVISION 1, SECTION 114-79; CHAPTER 114, ARTICLE IV, DIVISION 7, SUBDIVISION II, SECTIONS 114-229 AND 114-230; CHAPTER 114, ARTICLE VI, DIVISION 1, SECTION 114-502; AND CHAPTER 114, ARTICLE VI, DIVISION 3, SECTIONS 114-546 AND 114-553, SO AS TO CHANGE THE NONDISCRETIONARY RANK OF POLICE CAPTAIN TO A DISCRETIONARY RANK; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO:

(date)

Received by LC from CPO:

(date)

Received by Mayor's Office:


(date)

Reviewed by:

(date)

Submitted to Council:

(date)

AN ORDINANCE**BY COUNCIL MEMBERS IVORY L. YOUNG, JR. AND C. T. MARTIN**

AN ORDINANCE IMPOSING A NINETY (90) DAY MORATORIUM ON THE CITY'S PUBLIC PROPERTY VENDING PROGRAM; TO CREATE A SUBCOMMITTEE TO STUDY AND REVIEW THE OPERATION OF THE PUBLIC PROPERTY VENDING PROGRAM; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the authority to allow vendors to vend their goods and wares on the public right-of-ways of the city is an exercise of the city's police power; and

WHEREAS, as a further exercise of said police power, the city possesses the right to regulate vending activities on the public right-of-way; and

WHEREAS, until June 22, 2009, the city maintained and operated the public property vending program; and

WHEREAS, on said date, the city entered into a contract with U. K. LaSalle LLC, an entity solely owned by GGP Holding II Inc. (General Growth); and

WHEREAS, the contract with General Growth is for a term of twenty (20) years and grants General Growth the exclusive right to occupy and use all public property vending sites which meet the requirements of the Atlanta City Code including without limitation those vending sites currently occupied by public property vendors already licensed by the city; and

WHEREAS, on Thursday, April 29, 2010, members of the city's Public Safety and Legal Administration Committee visited the vending kiosks and sites located on Marietta Street, at Five Points and bordering Woodruff Park; and

WHEREAS, during said tour, the council members had an opportunity to talk with the vendors and to observe their operation as well as to observe the kiosks themselves; and

WHEREAS, the kiosks in this area are said to represent Phase 1 of the privately managed public property vending program; and

WHEREAS, General Growth is embarking upon Phase 2 of the program which involve vending sites located near Turner Field; and

WHEREAS, several concerns and complaints have been brought to the attention of council members regarding the manner in which the program is being operated; and

WHEREAS, while acknowledging the contract with General Growth, the city wishes to revisit and study the terms of the contract and the operation of the program; and

WHEREAS, the city desires to maintain the status quo for a period of ninety (90) days while these matters are reviewed.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: The City of Atlanta hereby imposes a ninety (90) day moratorium on the Public Property Vending Program. Said moratorium shall begin upon the date of the approval of this ordinance.

Section 2: A subcommittee shall be formed to study and review the operation of the Public Property Vending Program. Said subcommittee members shall be as follows:

1. **Council Members**
2. **Representative (s) of the Administration**
3. **Representative from General Growth Properties**
4. **Representative from Central Atlanta Progress**
5. **Representative from the Atlanta Downtown Improvement District**
6. **Representative from the Atlanta Development Authority**
7. **Representative from the U. S. Veterans Administration**
8. **A disabled vendor**
9. **A disabled veteran vendor**
10. **Turner Field vendor**
11. **Three (3) vendors from other vending areas in the city**
12. **Present kiosk vendor**
13. **Representative from APD License and Permits Unit**
14. **Representative from the City Law Department**

Section 3: All ordinances, code sections or parts of ordinances or code sections in conflict herewith are hereby waived to the extent of any such conflict.

Car Waters *James M. Shepperd* *10-1178*
AN ORDINANCE
BY COUNCILMEMBER KEISHA LANCE BOTTOMS

Kim (HAI) *Michael Moore* *James M. Shepperd*
AN ORDINANCE TO AMEND CHAPTER 150 (TRAFFIC AND VEHICLES), ARTICLE IV (STOPPING, STANDING AND PARKING), DIVISION 3 (PARKING METERS), SECTIONS 150-131, 150-132 AND 150-133 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THE PURPOSE OF CLARIFYING THAT THE PENALTY IMPOSED BY THE MUNICIPAL COURT FOR VIOLATIONS OF CITY OF ATLANTA CODE SECTION 150-132, WHICH PROVIDES FOR PARKING TIME LIMITS AT METERED PARKING SPACES, AND CITY OF ATLANTA CODE SECTION 150-133, WHICH PROHIBITS OVERTIME PARKING AT METERED PARKING SPACES, IS A NON-CRIMINAL CIVIL MONETARY PENALTY; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Code of Ordinances Chapter 150, Article IV, Division 3, concerns enforcement of parking meters generally; and

WHEREAS, Atlanta City Code Section 150-131 provides for the issuance of citations for violations of Atlanta City Code Section 150-132, which provides for parking time limits at metered parking spaces, and for the issuance of citations for violations of Atlanta City Code Section 150-133, which prohibits overtime parking at metered parking spaces; and

WHEREAS, any citations issued in accordance with Sections 150-132 and 150-133 are non-criminal, and any penalty imposed in accordance therewith is a civil monetary penalty; and

WHEREAS, that such citations are non-criminal, and that the penalties imposed in accordance therewith are civil monetary penalties, is not clearly shown by the language of Chapter 150, Article IV, Division 3 of the Atlanta City Code; and

WHEREAS, a revision of Chapter 150, Article IV, Division 3 of the Atlanta City Code is required to clarify that such citations are non-criminal, and that the penalties imposed in accordance therewith are civil monetary penalties.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Chapter 150, Article IV, Division 3, Section 150-131 be deleted in its entirety and replaced as follows:

Sec. 150-131. – Enforcement; civil penalty.

Enforcement of this division, including issuance of citations for vehicles parked in restricted areas, shall be the responsibility of parking enforcement officers, the parking management service, and/or the police chief or his designee.

(a) *Parking enforcement officer* means non-sworn personnel designated by the commissioner of public works, and appointed by the police chief or his designee as code enforcement agents pursuant to section 98-1 of the Code of Ordinances, for the purpose of enforcing parking regulations including issuance of citations, towing of vehicles, and/or immobilization of vehicles parked in restricted areas. In order to enforce these code provisions, these employees must apply for and receive the status of code enforcement agent.

(b) *Parking management service* is the private vendor retained by the City of Atlanta that employs off duty or retired police officers to perform services described in subsection (c) below, and in addition, that employs non-sworn personnel (parking management agents) that are authorized to issue parking citations for vehicles that are illegally parked only in the following three instances:

(1) The issuance of citations for vehicles that violate the provisions of Atlanta City Code Section 150-132 which provides for parking time limits at metered parking spaces.

(2) The issuance of citations for vehicles that violate the provisions of Atlanta City Code Section 150-133 which prohibits overtime parking at metered parking spaces.

(3) The issuance of citations for vehicles that are illegally parked on streets that are included in residential permit parking areas authorized at Division 4 of Chapter 150 of the Atlanta City Code.

(c) Sworn police officer is:

(1) Any active duty police officer; or

(2) Any off duty police officer employed by the parking management service for the purpose of enforcing City of Atlanta parking regulations, including the issuance of citations for vehicles that are illegally parked, and the immobilization and impoundment of vehicles that are illegally parked; or

(3) Any retired police officer presently employed by the parking management service for the purpose of enforcing City of Atlanta parking regulations, including the issuance of citations for vehicles that are illegally parked, and the immobilization and impoundment of vehicles that are illegally parked.

(d) Violations of the provisions of Atlanta Code of Ordinances Sections 150-132, which provides for parking time limits at metered parking spaces, and 150-133, which prohibits overtime parking at metered parking spaces, shall be deemed non-criminal. The imposition of a civil penalty pursuant to Sections

150-132 and 150-133 shall not be deemed a conviction and shall not be made a part of the criminal record of the person upon which such a penalty is imposed.

Section 2: That Chapter 150, Article IV, Division 3, Section 150-132 be deleted in its entirety and replaced as follows:

Sec. 150-132. - Parking time limits; fees.

- (a) The period of time of parking in areas designated as parking meter zones shall be registered by mechanical parking meters, and the charges which are reasonably necessary to defray the expenses incident thereto for this parking shall be as set out in subsection (b) of this section.
- (b) Such meters shall provide for maximum time limits as indicated on each meter, where the maximum time limit at parking meters shall be determined by Department of Public Works. The fee in each instance shall be at the rate of \$1.00 per half an hour of time allowed.
- (c) Vehicles which have purchased a currently valid truck loading zone/parking meter pass pursuant to Atlanta City code section 150-111 (c) shall be permitted to park at all parking meter spaces in the city of Atlanta without charge for a period not to exceed the maximum time limit indicated on each meter or 30 minutes, whichever is more.
- (d) **The Municipal Court is authorized to impose a civil monetary penalty against persons who violate this section in an amount not to exceed \$1,000.00 for each such violation.**

Section 3: That Chapter 150, Article IV, Division 3, Section 150-133 be deleted in its entirety and replaced as follows:

Sec. 150-133. - Overtime parking.

- (a) No person shall park any motor vehicle in any area where a parking meter is installed for a longer period of time than the maximum time indicated for the area by an appropriate sign.
- (b) **The Municipal Court is authorized to impose a civil monetary penalty against persons who violate this section in an amount not to exceed \$1,000.00 for each such violation.**

Section 4: This ordinance shall be and become effective immediately upon and after its passage and publication as required by governing law.

Section 5: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

**A RESOLUTION BY
PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION BY THE PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA MUNICIPAL COURT, TO EXECUTE TEMPORARY SERVICE CONTRACTS WITH FIFTEEN (15) RETIRED CITY OF ATLANTA ("CITY") POLICE OFFICERS AND FOUR (4) DSI SECURITY OFFICERS, FOR THE PURPOSE OF PROVIDING PROFESSIONAL SECURITY SERVICES AT THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWO THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$702,790). ALL COSTS TO BE CHARGED TO FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Municipal Court is in need of professional security services to screen all customers entering the court building, escort defendants to holding cells, and secure the courtrooms, and

WHEREAS, retired City police officers possess the knowledge and expertise to provide the necessary professional security services, and

WHEREAS, the Department desires to execute temporary service contracts with fifteen (15) retired City police officers and four (4) DSI security officers for the purpose of providing professional security services at the Atlanta Municipal Court for a period of one (1) year in FY11, in an amount not to exceed seven-hundred two thousand seven-hundred ninety dollars (\$702,790); and

WHEREAS, one such retired officer shall be designated the head supervisor and shall be compensated at \$22.65/hr., another such retired officer shall be designated the second supervisor and shall be compensated at \$21.77/hr., thirteen (13) APD officers shall be compensated at \$19.30/hr, and four (4) DSI security officers shall be compensated at \$10.64/hr.; and

WHEREAS, such engagements are authorized pursuant to Article 3, Chapter 5, Section 3-505 of the Charter of the City of Atlanta.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor be and is hereby authorized to execute a contract, on behalf of the City of Atlanta Municipal Court, with fifteen (15) retired Atlanta Police Officers, and four (4) DSI security officers for the purpose of providing professional security services in the Municipal Court for a period of one (1) year in FY11, in an amount not to exceed seven-hundred two thousand seven-hundred ninety dollars (\$702,790).

BE IT FURTHER RESOLVED, that the City Attorney or her/his designee be and is directed to prepare the Agreement for execution by the Mayor, and the Agreement shall be approved by the City Attorney or her/his designee as to form.

BE IT FURTHER RESOLVED, that the Agreement shall not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor or her/his designee and delivered to the respective retired City of Atlanta Police Officers.

BE IT FINALLY RESOLVED, that all costs shall be charged to the following Fund, Department, Account and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant/Professional Services), and 2650000 (Municipal Courts).

Legislative White Paper

Committee of Purview: Public Safety & Legal Administration

Caption:

A RESOLUTION BY THE PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA MUNICIPAL COURT, TO EXECUTE TEMPORARY SERVICE CONTRACTS WITH FIFTEEN (15) RETIRED CITY OF ATLANTA ("CITY") POLICE OFFICERS AND FOUR (4) DSI SECURITY OFFICERS, FOR THE PURPOSE OF PROVIDING PROFESSIONAL SECURITY SERVICES AT THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWO THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$702,790). ALL COSTS TO BE CHARGED TO FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

Council Meeting Date: 4/27/10

Legislation Title: Contractual agreement with retired APD officers and DSI security to provide security services

Requesting Department: Judicial Agencies

Contract Type: Security services

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids: N/A

Proposals Received: N/A

Bidders/Proponents: N/A

Justification Statement:

The Municipal Court of Atlanta is in need of professional security services to screen all customers entering the court building, escort defendants to holding cells, and secure the courtrooms.

Background:

The Municipal Court of Atlanta has identified 15 retired APD police officers and 4 DSI security officers with the knowledge and expertise to provide professional security services. The head supervisor will be compensated at \$22.65/hr., the second supervisor will be compensated at \$21.77/hr., thirteen (13) APD officers shall be compensated at \$19.30/hr, and four (4) DSI security officers shall be compensated at \$10.64/hr.; and

Fund Dept Account Function Activity:	1001 190101 5212001 2650000
Source of Funds:	General Fund
Fiscal Impact:	\$702,790
Terms of Contract:	N/A
Method of Cost Recovery:	N/A
Approvals:	Budget Manager, Sr.
Prepared by:	Krystal Smith
Contact Number:	404.588.4777

TRANSMITTAL FORM FOR LEGISLATION

TO MAYOR'S OFFICE: Candace Byrd, Chief of Staff
(For review & distribution to Executive Management)

Commissioner Signature:  **Director Signature:** _____

Originating Dept: Judicial Agencies – Court Operations **Contact Name:** Krystal Smith

Committee(s) of Purview: Public Safety & Legal Admin **Committee Deadline:** _____


Committee Meeting Date(s): 4/27/10 **City Council Meeting Date:** 5/3/10

CAPTION

A RESOLUTION BY THE PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA MUNICIPAL COURT, TO EXECUTE TEMPORARY SERVICE CONTRACTS WITH FIFTEEN (15) RETIRED CITY OF ATLANTA ("CITY") POLICE OFFICERS AND FOUR (4) DSI SECURITY OFFICERS, FOR THE PURPOSE OF PROVIDING PROFESSIONAL SECURITY SERVICES AT THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWO THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$702,790). ALL COSTS TO BE CHARGED TO FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$702,790

Mayor's Staff Only

Received by Mayor's Office: 4.12.10 
(date)

Reviewed by: 
(date)

Submitted to Council: _____
(date)

Entered - 4-19-10 sb

CL 10L0371 - GWENDOLYN BURNS

CLAIM OF: **ALYCE JACKSON**
134-A Walker Street, SW
Atlanta, Georgia 30313

10- R -1000

For vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on March 3, 2010 at Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

F-2

A RESOLUTION

10-R-_____

**BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF MINNIE CAREY V. CITY OF ATLANTA, APD OFFICERS JAMIE NELSON AND BRANDY DOLSON, CIVIL ACTION FILE NUMBER 1:10-CV-515 - ODE, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$20,000.00; OF THIS AMOUNT, AUTHORIZING PAYMENT OF \$20,000.000 TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT 5212005 (LITIGATION EXPENSE), CENTER NUMBER 200101 (NON-DEPARTMENTAL), 1512000 (FUNCTIONAL ACTIVITY), AND AUTHORIZING PAYMENT OF \$20,000.00 TO HER ATTORNEY, Robert Douglas Ortman; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Minnie Carey vs. City of Atlanta and APD Officers Jamie Nelson and Brandy Dolson* is a case in which the Plaintiff, Minnie Carey, sought remedy and redress for alleged deprivation of her Fourth Amendment rights after she was falsely arrested and imprisoned by APD officers Nelson and Dolson; and

WHEREAS, Plaintiff has agreed to accept \$20,000.00 in full settlement of all claims against the City of Atlanta and the police officers including interest and attorney's fees; and

WHEREAS, the \$20,000.00 settlement is payable to her attorney, Robert Douglas Ortman.; and

WHEREAS, The City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, The City Attorney considered it to be in the best interest of the City to pay the amount of \$20,000.00 to settle all claims against the City of Atlanta and its police officers.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *Minnie Carey vs. City of Atlanta, APD Officers Jamie Nelson and Brandy Dolson* in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00).

SECTION 2. Said payment is to be charged, paid and issued as follows:

The Chief Financial Officer is authorized to make a payment of \$20,000.00 payable to Robert Douglas Ortman, Attorney at Law, P.O. Box 724263, Atlanta, GA 31139-4263. Such payment shall be made in full consideration of the dismissal of all claims against the City of Atlanta police officers, the City of Atlanta, and its current and former officers and employees.

A RESOLUTION

09-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ERIKA SCHULTZ v. CITY OF ATLANTA, et al., CIVIL ACTION FILE NO. 208EV004757A, IN THE AMOUNT OF \$100,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 170201 (DWM WASTEWATER TREATMENT & COLLECTIONS), 5750002 (PROPERTY / LIQUIDATION) 4310000 (SANITARY ADMINISTRATION) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Erika Schultz v. City of Atlanta*, is a case in which the Plaintiff sued for alleged personal injuries resulting from stepping into a broken water meter cover;

WHEREAS, Plaintiff alleges that she suffered physical damages and pain and suffering as a result of her fall;

WHEREAS, Plaintiff sought an excess of \$250,000.00 for her injuries resulting from her alleged fall as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$40,000.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$40,000.00 to settle all claims against the City of Atlanta; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of Erika Schulz v. City of Atlanta, in the amount of Forty Thousand Dollars and no Cents (\$40,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from fund 5051 (Water & Wastewater Revenue Fund), 170201 (DWM Wastewater Treatment & Collections), 5750002 (Property/Liquidation), 4310000 (Sanitary Administration). Payment shall be in the form of a check in the amount of \$40,000.00 payable to Woodward & Stern, LLC for Erika Schultz. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

A RESOLUTION

10-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ATLANTA TAXICAB INDUSTRY ASSOCIATION, ET AL. V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2008CV158751, IN THE AMOUNT OF \$425,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT 200101 (LITIGATION EXPENSES) AND CENTER NUMBER 5212005 (NON-DEPARTMENTAL) AND 1512000 (FUNCTIONAL ACTIVITY NUMBER); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Atlanta Taxicab Industry Association, et al. v. City of Atlanta, is a case in which Twenty-Two (22) Plaintiffs, drivers permitted to operate taxicabs in the City of Atlanta by the Bureau of Taxicabs and Vehicles for Hire, sought remedy and redress for alleged deprivation of their civil rights in violations of 42 U.S.C. § 1983 and under other State law causes of action due to their arrests and receipt of criminal citations for operating vehicles for hire without permits following the City's notification that it had received in sufficient funds checks from Plaintiffs; and

WHEREAS, Plaintiffs, in a mediation have agreed to accept \$425,000.00 in full settlement of all claims against the City of Atlanta, including attorneys fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$425,000.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of, Atlanta Taxicab Industry Association, et al. v. City of Atlanta, in the amount of Four Hundred Twenty-Five Thousand Dollars and no Cents (\$425,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from fund 1001 (General Fund), Account 200101 (Litigation Expenses) and Center Number 5212005 (Non-departmental) and 1512000 (Functional Activity Number). Payment shall be in the form of a check in the amount of \$425,000.00 payable to Joyce, Thrasher, Kaiser & Liss, LLC. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

**A RESOLUTION BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH REVENUE RESCUE INC., FOR BID FC-5042, FOR THE PURPOSE OF PROVIDING THIRD PARTY BILLING SERVICES ON BEHALF OF THE DEPARTMENT OF FIRE RESCUE AND OTHER PURPOSES.

WHEREAS, the City and Revenue Rescue Inc., wishes to entered into an contractual agreement to perform third party billing services on behalf of the Department of Fire Rescue; and

WHEREAS, Ordinances 09-0-799 (Non-Emergency Incidents), 09-0-800 (Motor Vehicle Crashes), and 09-0-801 (Hazardous Material Incidents) was approved by Council which authorizes the city to bill for services provided for the aforementioned incidents; and

WHEREAS, the Revenue Rescue, Inc. was awarded bid FC-5042 through a competitive bid process; and

WHEREAS, the Revenue Rescue, Inc. will charge the City a 17% service charge of the collected fees; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES AS FOLLOWS:

Section 1: That the Mayor or his designee is authorized to enter into a contractual agreement with Revenue Rescue, Inc., for bid FC-5042 for the purpose of providing third party billing services on behalf of the Department of Fire Rescue

Section 2: That all resolutions and parts thereof in conflict herewith are hereby waived to the extent of the conflict

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Transportation Committee

Caption:

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH REVENUE RESCUE INC., FOR BID FC-5042, FOR THE PURPOSE OF PROVIDING THIRD PARTY BILLING SERVICES ON BEHALF OF THE DEPARTMENT OF FIRE RESCUE AND OTHER PURPOSES.

Council Meeting Date: March 30, 2010

Requesting Dept: The Department of Fire Rescue

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to authorize the Mayor or his designee to enter into a contract agreement with Revenue Recovery, Inc. This legislation will authorize the third party billing services on behalf of the Department of Fire Rescue for rendered services on motor vehicle crashes, non-emergency calls, and hazardous material incidents.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The Department of Fire Rescue was authorized by council to charge for services rendered on motor vehicle crashes, non-emergency calls, and hazardous material incidents. Though the City of Atlanta Office of Procurement, a RFP was submitted and awarded to Revenue Recovery Inc. A service fee of 17% will be charged to the City of all collected fees.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): NA
- (b) Source Selection: NA
- (c) Bids/Proposals Due: NA
- (d) Invitations Issued: NA
- (e) Number of Bids: NA
- (f) Proposals Received: NA
- (g) Bidders/Proponents: NA
- (h) Term of Contract: NA

4. Fund Account Center (Ex. Name and number): NA

Fund: _____ Account: _____ Center: _____

5. Source of Funds: Example: Local Assistance Grant NA

6. Fiscal Impact: a 17% service charge of collected fees

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: NA

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.**
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.**

This Legislative Request Form Was Prepared By: Wilmond Meadows

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Commissioner Signature _____

Originating Department: Fire and Rescue **Contact (name)** Wilmond Meadows

Committee(s) of Purview: Finance/Executive Committee

Committee Deadline: _____

Committee Meeting Date(s): 6/16/10 **Full Council Date:** 6/21/10

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACTUAL AGREEMENT WITH REVENUE RESCUE INC., FOR BID FC-5042, FOR THE PURPOSE OF PROVIDING THIRD PARTY BILLING SERVICES ON BEHALF OF THE DEPARTMENT OF FIRE RESCUE AND OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The Department of Fire Rescue was authorized by council to charge for services rendered on motor vehicle crashes, non-emergency calls, and hazardous material incidents. Though the City of Atlanta Office of Procurement, a RFP was submitted and awarded to Revenue Recovery Inc. A service fee of 17% will be charged to the City of all collected fees.

FINANCIAL IMPACT (if any): NA

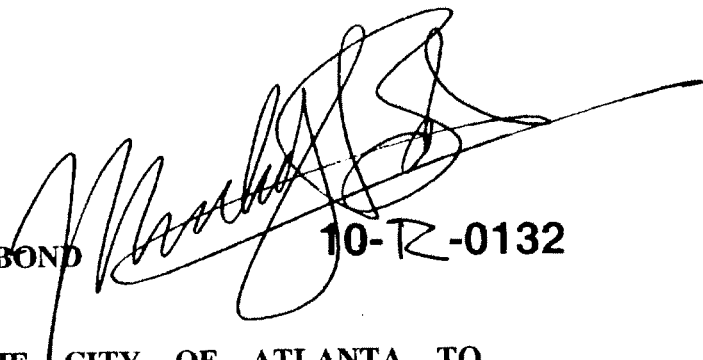
Mayor's Staff Only

Received by Mayor's Office: 5.26.10 (date) Reviewed by: _____ (date)

Submitted to Council: _____ (date)

A RESOLUTION

BY COUNCILMEMBER MICHAEL JULIAN BOND


10-R-0132

A RESOLUTION DIRECTING THE CITY OF ATLANTA TO APOLOGIZE TO THE PATRONS AND EMPLOYEES OF THE ATLANTA EAGLE FOR THE ALLEGED VIOLATIONS OF HUMAN AND CIVIL RIGHTS SUFFERED AS A RESULT OF A POLICE RAID CARRIED OUT ON SEPTEMBER 10, 2009; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has a long and distinguished history of championing civil and human rights; and

WHEREAS, Atlanta is a mosaic of ethnicities, races, religions and sexual orientations; and

WHEREAS, Atlanta is committed to upholding the words and deeds of its heralded son Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's vision of a "Beloved Community," where injustice anywhere threatens justice everywhere, requires that as the elected representatives of the citizens of Atlanta, we, the City Council, acknowledge and respond to the grievances of any and all of our citizens; and

WHEREAS, on September 10, 2009, the Atlanta Police Department and Red Dog Unit raided the Atlanta Eagle, a gay bar in Midtown; and

WHEREAS, some 48 members of the APD entered the premises and handcuffed patrons and employees of the Atlanta Eagle ordering them to lay face down on the ground while they and the premises were searched for almost one hour; and

WHEREAS, no criminal activity was found on the premises or persons therein; and

WHEREAS, as the City faces a significant rise in property crimes and recent high-profile murders, it appears this action was a poor use of police resources at this time; and

WHEREAS, it is imperative that all members of Atlanta's varied communities – be they African-American, Hispanic, Asian, LGBT, youth or senior citizens – feel that their freedoms are respected; and

WHEREAS, the City Council requests also that as the Court reviews the facts of this case that it contemplates dropping charges brought against eight employees;

Heidi
D...

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA
HEREBY RESOLVES** and offers an apology to the patrons and employees of the Atlanta Eagle
Bar for the indignities which they experienced as a result of the September 10, 2009 police raid.

BE IT FINALLY RESOLVED: that all resolutions or parts of resolutions in conflict
herewith are hereby waived to the extent of the conflict.

A RESOLUTION BY

COUNCILMEMBERS NATALYN MOSBY ARCHIBONG & C. T. MARTIN

**REQUESTING THAT CITY COUNCIL AUTHORIZE
A FORENSIC AUDIT SHOULD BE CONDUCTED AS
A RESULT OF THE FINDINGS AND
RECOMMENDATIONS FROM THE AUDIT REPORT
OF THE PUBLIC SAFETY FACILITIES
CONSTRUCTION AND THE SALE OF CITY HALL
EAST; AND FOR OTHER PURPOSES.**

WHEREAS, a letter dated December 21, 2009 from the City's Auditor states that "her report cannot be interpreted as an assurance that no waste, fraud, or abuse occurred in the project"; and

WHEREAS, forensic accounting is accounting that is suitable for legal review, offering the highest level of assurance, and including the now generally accepted connotation of having been arrived at in a scientific fashion; and

WHEREAS, the Council is a legislative/policymaking body; and, as such, has the responsibility for the oversight of city operations; and

WHEREAS, the audit report from the City Auditor identify no financial records of a \$24 million bank loan being recorded in the city's ledger; and

WHEREAS, this same reports suggest that other possible financial infractions may have occurred; and

WHEREAS, the city's current fiscal problems and the reports critical review of the contracting process that took place with this project suggest that that a closer look into the practices and procedures utilize for this contract.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follow, that the City Council direct the Committee on Council to identify a funding source as well as enter into a Request for Proposal to hire a forensic accountant to review the contracts associated with the Public Safety Facilities Construction Project and the sale of the City Hall East facility.

AND BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith be and are hereby waived in this instance only.

10-O-0397

AN ORDINANCE BY

COUNCILMEMBER H. LAMAR WILLIS

**AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

**AN ORDINANCE AMENDING SECTION 162-227 AND SECTION 162-232
OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO
ESTABLISH FEES FOR THE ADMINISTRATIVE COSTS ASSOCIATE
WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:**

Section 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification and an administrative fee of \$20.00 shall be collected as part of the towing fee, so long as the towing and administrative fee shall be \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following:

Sec. 162-232. Notification upon removal of vehicle.

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via and Internet based repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

COMMITTEE AMENDMENT FORM

DATE 03/09/10

**COMMITTEE PUBLIC SAFETY AND
LEGAL ADMINISTRATION**

PAGE(S) 2

ORDINANCE I.D.# 10-O-0397

SECTION(S) 1

RESOLUTION I.D.# _____

PARAGRAPH(S) _____

**AMENDMENT: AMENDS THE LEGISLATION BY DELETING THE WORDS "DOES
NOT EXCEED" IN ITALICIZED AMENDED LANGUAGE OF SECTION 1 AND
REPLACE WITH THE WORDS "SHALL BE".**

**AN ORDINANCE BY:
COUNCILMEMBER H. LAMAR WILLIS
AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE AMENDING SECTION 162-227 AND
SECTION 162-232 OF THE CITY OF ATLANTA CODE OF
ORDINANCES SO AS TO ESTABLISH FEES FOR THE
ADMINISTRATIVE COSTS ASSOCIATED WITH
NONCONSENSUAL MOTOR VEHICLE TOWING; AND
FOR OTHER PURPOSES.**

WHEREAS, The Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:**

SECTION 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec.162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for

the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification of which \$5.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for electronic notification service for private property impounds. An administrative fee of \$20.00 shall be collected as part of the towing fee of which \$10.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for the electronic notification service for law enforcement authorized tows, so long as the towing and administrative fee shall be \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

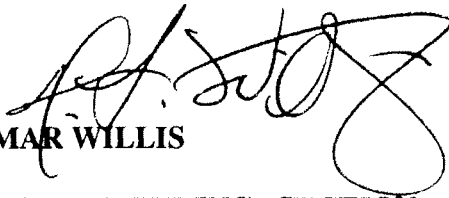
Be deleted in its entirety and replaced with the following:

Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

AN ORDINANCE BY
COUNCILMEMBER H. LAMAR WILLIS



10-○-0397

**AN ORDINANCE AMENDING SECTION 162-227 AND
SECTION 162-232 OF THE CITY OF ATLANTA CODE OF
ORDINANCES SO AS TO ESTABLISH FEES FOR THE
ADMINISTRATIVE COSTS ASSOCIATED WITH
NONCONSENSUAL MOTOR VEHICLE TOWING; AND
FOR OTHER PURPOSES.**

WHEREAS, The Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,
as follows:**

SECTION 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec.162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or

any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification of which \$5.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for electronic notification service for private property impounds. An administrative fee of \$20.00 shall be collected as part of the towing fee of which \$10.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for the electronic notification service for law enforcement authorized tows, so long as the towing and administrative fee does not exceed \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following:

Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

AN ORDINANCE BY
COUNCILMEMBER IVORY LEE-YOUNG JR.



10-0-0399

AN ORDINANCE TO AMEND ARTICLE XXIII, ("VENDING ON PUBLIC PROPERTY"), OF CHAPTER 30, ("BUSINESSES"), SECTION 30-1436 ("DISABLED VETERANS"), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, SO AS TO EXPRESSLY EXEMPT DISABLED VETERANS FROM PARTICIPATION IN THE PUBLIC VENDING MANAGEMENT PROGRAM; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in promoting the general health, safety, and welfare of the citizens of the City of Atlanta; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including vending on public property; and

WHEREAS, the City of Atlanta has implemented a Public Property Vending Management Program which manages vending on public property under the jurisdiction of the City of Atlanta; and

WHEREAS, it is the desire of the City of Atlanta to exempt all disabled veterans from participation in the Public Property Vending Management Program.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That **Article XXIII, ("Vending on Public Property"), Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans")**, of the Code of Ordinances of the City of Atlanta, Georgia, which currently reads:

Sec. 30-1436. [Disabled veterans.]

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended and who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall be permitted to participate in the public vending program at a location in the public vending program closest to their existing licensed location subject to full application to the public vending management company in the same manner as all other participants and the execution of a lease, license or other form of contract or agreement as is generally utilized between the public vending management company and other vendors who will participate in the program, provided however that the rental or lease of any equipment required to participate in the public vending management

program shall not exceed \$200.00 per month for the first 60 months that such vendor participates in the public vending program.

(b) In the event that a disabled veteran as that term is defined in this subsection (g) applies to participate in the public property vending program after the adoption of this ordinance, such disabled veteran shall be permitted to participate in the program at a discounted rate for the first 36 months provided that the disabled veteran has been approved under the application process and further provided that no more than six spaces shall be dedicated to disabled veterans including those made available to subpart (g) above.

be amended such as Article XXIII, (“Vending on Public Property”), Chapter 30, (“Businesses”), Section 30-1436 (“Disabled Veterans”), shall read as follows:

Sec. 30-1436. Disabled veterans.

(a) Disabled veterans, as that term is currently defined in O.C.G.A. § 43-12-2 or as amended, currently holding a valid certificate of eligibility as O.C.G.A. § 43-12-5, and currently holding a public property vending permit, and blind persons who meet that definition of O.C.G.A. § 49-4-51(b) as it exists now or is from time to time amended, shall be exempt from any requirements that they participate in the public vending management program.

(b) All disabled veterans who hold a public property valid vending permit in force as of the date of the adoption of this subsection, shall retain the ability to continue to vend at their existing licensed locations subject to the requirements contained in this Article, unrelated to those concerning the public vending management program.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**A RESOLUTION BY
PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH COURTVIEW JUSTICE SOLUTIONS, PURSUANT TO FC-6004007843, AUTOMATED COURT CASE MANAGEMENT SYSTEM, ON BEHALF OF THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED FIFTY SIX DOLLARS (\$155,456); ALL COSTS TO BE CHARGED TO: FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with CourtView Justice Solutions, for FC-6004007843, Automated Court Case Management System to install CourtView software; and

WHEREAS, CourtView Justice Solutions is experienced in the support of CourtView application software, Visiflow imaging software, IVR software support and call sequencer, and IJIS broker; and

WHEREAS, CourtView Justice Solutions has provided adequate maintenance support and can continue to provide ongoing CourtView maintenance support.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor be and is hereby authorized to enter into a maintenance with CourtView Justice Solutions, pursuant to FC-6004007843, Automated Court Case Management System, for a period of one (1) year in FY11, in an amount not to exceed one hundred fifty-five thousand four hundred fifty-six dollars (\$155,456).

BE IT FURTHER RESOLVED, that the City Attorney or her/his designee be and is directed to prepare the Agreement for execution by the Mayor, and the Agreement shall be approved by the City Attorney or her/his designee as to form.

BE IT FURTHER RESOLVED, that the Agreement shall not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor or her/his designee and delivered to CourtView Justice Solutions.

BE IT FINALLY RESOLVED, that all costs shall be charged to: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts).

Legislative White Paper

Committee of Purview: Public Safety & Legal Administration

Caption:

A RESOLUTION BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH COURTVIEW JUSTICE SOLUTIONS, PURSUANT TO FC-6004007843, AUTOMATED COURT CASE MANANGEMENT SYSTEM, ON BEHALF OF THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED FIFTY SIX DOLLARS (\$155,456); ALL COSTS TO BE CHARGED TO: FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

Council Meeting Date: 4/27/10

Legislation Title: Maintenance agreement with CourtView Justice Solutions pursuant to FC-6004007843, Automated Court Case Management System

Requesting Department: Judicial Agencies

Contract Type: Maintenance Agreement

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids: N/A

Proposals Received: N/A

Bidders/Proponents: N/A

Justification Statement:

The Municipal Court of Atlanta is in need of maintenance and support of its CourtView application software, Visiflow imaging software, IVR software and call sequencer, and IJIS broker.

Background:

CourtView Justice Solutions implemented CourtView software for the Municipal Court of Atlanta in May 2007. In order to maximize the effectiveness of the software, \$155,456 is needed to provide on-going CourtView maintenance support.

Fund Dept Account Function Activity: 1001 190101 5212001 2650000

Source of Funds: General Fund

Fiscal Impact:	\$155,456
Terms of Contract:	N/A
Method of Cost Recovery:	N/A
Approvals:	Budget Manager, Sr.
Prepared by:	Krystal Smith
Contact Number:	404.588.4777

TRANSMITTAL FORM FOR LEGISLATION

TO MAYOR'S OFFICE: Candace Byrd, Chief of Staff
(For review & distribution to Executive Management)

Commissioner Signature: [Signature] Director Signature: _____

Originating Dept: Judicial Agencies – Court Operations Contact Name: Krystal Smith

Committee(s) of Purview: Public Safety & Legal Admin Committee Deadline: _____

Committee Meeting Date(s): 4/27/10 City Council Meeting Date: 5/3/10

CAPTION

A RESOLUTION BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH COURTVIEW JUSTICE SOLUTIONS, PURSUANT TO FC-6004007843, AUTOMATED COURT CASE MANAGEMENT SYSTEM, ON BEHALF OF THE MUNICIPAL COURT OF ATLANTA FOR A PERIOD OF ONE (1) YEAR IN FY11, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED FIFTY SIX DOLLARS (\$155,456); ALL COSTS TO BE CHARGED TO: FUND, DEPARTMENT, ACCOUNT, AND FUNCTION ACTIVITY: 1001 (GENERAL FUND), 190101 (MUNICIPAL COURT OPERATIONS), 5212001 (CONSULTANT PROFESSIONAL SERVICES), 2650000 (MUNICIPAL COURTS); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$155,456

Mayor's Staff Only

Received by Mayor's Office: 4.12.10 [Signature]
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____
(date)

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE VIII, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO CLEARLY DISTINGUISH BETWEEN LEGITIMATE ESCORTS HOLDING PERMITS ISSUED BY THE CITY OF ATLANTA UNDER ITS POLICE POWERS, AND PERSONS WHO PERFORM CRIMINAL ACTS AS DETERMINED BY STATE LAW; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to Escort Services, (O.C.G.A. § 48-13-9 (29)); and

WHEREAS, City of Atlanta Code of Ordinances Chapter 30, Article VIII, Division 2, Sections 30-651 and 30-338 respectively require persons operating escort services or working for an escort service in the City of Atlanta to apply for and obtain permits issued by the City; and

WHEREAS, currently, the State of Georgia prohibits persons from performing, offering, or consenting to perform a sexual act, including but not limited to sexual intercourse or sodomy, for money or other items of value, (O.C.G.A. § 16-6-9); and

WHEREAS, it is the desire of the Atlanta City Council to clearly distinguish between persons who perform such prohibited acts, and legitimate escorts holding permits issued by the City of Atlanta; and

WHEREAS, a revision of Chapter 30, Article VIII, of the City of Atlanta Code is required to make such a distinction.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 30, Article VIII, Division 1, Section 30-641 of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert the following language in lieu thereof so that said section shall read as follows:

Sec. 30-641. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Escort means a person who is held out to the public to be available for hire; and who; for monetary consideration in the form of a fee, commission or salary, consorts with, or accompanies or who offers, for monetary consideration, to consort or accompany another or others to social affairs, entertainments or places of amusement or within any place of public resort or within any private quarters.

Escort service means a person or an entity who, for a fee, commission, profit, payment or other monetary consideration, furnishes, refers to, offers to furnish or refer escorts, or provides or offers to introduce patrons to escorts.

Escort service runner means an employee, agent or independent contractor of the service who, after the service receives a call from a prospective customer, goes to the customer's location to collect the escort fee and to make other necessary arrangements.

Offer to provide acts of sexual conduct means to offer, propose or to solicit to provide sexual conduct to a patron. Such definition includes all conversations, advertisements and acts which would lead a reasonably prudent person to conclude that such acts were to be provided.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, sodomy or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

Section 2: That Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances is hereby amended to create a new Division 4, to be entitled "Operational Rules and Prohibited Acts" which shall read as follows:

DIVISION 4. OPERATIONAL RULES AND PROHIBITED ACTS

Sec. 30-669. Operational Rules.

(a) Each person authorized to operate as an escort under this article shall operate from an open office.

(b) Each person or entity authorized to operate as an escort service under this article shall:

1. Maintain an open office at an established place of business;
2. Deliver contracts to every patron or customer.

Sec. 30-670. Certain Acts by Escorts Prohibited.

No person authorized to operate as an escort under this article shall:

1. Employ or use an escort service runner;
2. Advertise that sexual conduct will be provided to the patron or work for an escort service which so advertises;
3. Solicit, offer or provide sexual conduct to an escort patron, or accept an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort service;
4. Work as an escort without having a current employee permit issued for the referring escort service in their possession at all times when working as an escort;
5. Accept a fee from a patron who has not first been delivered a contract.

Sec. 30-671. Certain Acts by Escort Services Prohibited.

No person or entity authorized to operate as an escort service under this article shall:

1. Employ an escort service runner as an employee, agent or independent contractor;
2. Advertise that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided referred or introduced to a patron;
3. Solicit, offer to provide or provide acts of sexual conduct to a patron;
4. Employ, contract with or provide or refer escorts who do not possess employee permits as required in section 30-668 of this article.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Kurt Braunsroth

Contact Number: 404-853-4266

Originating Department: Atlanta Police Department

Committee(s) of Purview: Public Safety and Legal Administration

Anticipated Committee Meeting Date(s): Cycle 5 March 9, 2010; March 30, 2010

Anticipated Full Council Date: April 19, 2010

Legislative Counsel's Signature: s/Amber A. Robinson 404-330-6494

Commissioner Signature: 

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE VIII, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO CLEARLY DISTINGUISH BETWEEN LEGITIMATE ESCORTS HOLDING PERMITS ISSUED BY THE CITY OF ATLANTA UNDER ITS POLICE POWERS, AND PERSONS WHO PERFORM CRIMINAL ACTS AS DETERMINED BY STATE LAW; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____

(date)

Received by LC from CPO: _____

(date)

Received by Mayor's Office: _____

(date)

Reviewed by: _____

(date)

Submitted to Council: _____

(date)

**AN ORDINANCE
AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is authorized to assess and collect fees for fire inspections, fire plan review, and fire permits pursuant to O.C.G.A., Title 25, Chapter 2, Sections 25-2-4.1 and 25-2-12.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to O.C.G.A., Title 25, Chapter 2, Section 25-2-12, Subsection (a)(2) (“ O.C.G.A. §25-2-12”) the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare by requiring fire inspections, fire plan reviews, and fire permits; and

WHEREAS, the portion of Chapter 78, Article III, Section 78-57 (“§78-57”), Subsection (b) of the Code of Ordinances of the City of Atlanta, entitled 105.6.47 (Fees) sets forth the schedule of fees regarding fire inspection, fire plan review, and fire permits (“Fees”) that the City of Atlanta Fire Rescue Department through the Fire Inspections Bureau shall charge for fire inspections; and

WHEREAS, certain fire safety inspections, plan reviews, and issues fire permits are not set out in the schedule of fees but are authorized pursuant to O.C.G.A. §25-2-12 (a)(2) and City of Atlanta Code of Ordinances §78-57; and

WHEREAS, the Fire Inspections Bureau of the City of Atlanta Fire Department exists solely to perform fire safety inspections, plan reviews, and issues fire permits in compliance with O.C.G.A. §25-2-12 (a)(2); and

WHEREAS, the City has experienced significant growth since 2002 without any fee adjustments to fire inspections, fire plan reviews, and fire permit services; and

WHEREAS, the City’s cost to provide fire inspections, fire plan reviews, and fire permit services has increased; and

WHEREAS, the City desires to increase existing fire inspection, fire plan review, and fire permit fees and establish authorized fire inspection, fire plan review, and fire permit fees to recover the Fire Inspection Bureau's costs of these related services by imposing fees established by a fee study conducted by the Atlanta Fire Rescue Department and attached hereto as Exhibit 'A'; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) (attached hereto as Exhibit B) be entitled "Fire Inspection and Operational Permit Fees."

SECTION 2: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.7 (Fees) subsection (a) be amended to add a new section entitled "Fire Inspection Fees" which shall read as follows:

Section 105.6.47 Fees.

- (a) The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge and collect fees, on a yearly, one time or location basis for the issuance of permits or activities including storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

In addition to the annual fees described in city ordinance §105.6.47, a \$25.00 **processing** fee shall be charged.

(a) **FIRE SAFETY INSPECTION FEES:**

A. **Existing Occupancies**

In accordance with O.C.G.A. §25-2-12 (2) fire inspection shall be performed in order to issue permits or authorize occupancy as required. The annual fees therefore shall be as follows:

- i. There shall be an *inspection* fee of \$50 for a business having up to 3,000 square feet.
- ii. There shall be an *inspection* fee of \$100 for a business having 3,001 square feet to 5,000 square feet.
- iii. There shall be an *inspection* fee of \$150 for a business having 5,001 square feet to 10,000 square feet.
- iv. There shall be an *inspection* fee of \$200 for a business having more than 10,000 square feet.
- v. **There shall be an inspection fee of \$350 for High-rise structures up to 70,000 square feet.**

- vi. ***There shall be an inspection fee of \$450 for high-rise structures more than 70,001 square feet.***

SECTION 3: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) subsection (a) be amended to add the following increased fees to the exiting Operational Fee Schedule which shall read as follows:

OPERATIONAL PERMITS: Operational permits are required to conduct certain operations or businesses. In addition to Fire inspection fees, operational fees may be required for certain activities as listed. Multiple operations performed at the same location shall be charged a single inspection fee pursuant to §105.6.47 (a)(1). However, each operation shall be individually accessed permit fees and may incur cumulative fees. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12(2).

Permit approvals subject to site inspection. **The minimum fee for any activity not listed shall be \$50.00**

	PERMITS		
Flammable and combustible liquids (R)	Tank storage--\$.036 per gallon of flammable liquid or combustible liquid ; (per tank)	4.50	
Places of public assembly	Permit for occupant load-- \$42.00, <u>plus \$0.42 per area permitted:</u>	42.00	222.00 = <u>528 persons; eliminate maximum restriction.</u>
<u>Special hazard building & structures</u> (R) (place of public assembly)	Buildings presenting special hazards to persons or property per O.C.G.A. § 25-2-13	\$50.00	
LPG or LNG (R)	Tank storage: \$0.036 per gallon of LP or LNG liquid (per tank)	4.50	
<u>Exhibit & Trade Shows</u> (NR)	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans, includes site inspection. Activity not	79.00	79.00

	<i>allowed in non-permitted facilities.</i>		
Tent/carnival (NR)	Per location; <u>200 up to 400 sq. ft = \$50.00</u> <u>401 - 1,500 sq. ft =</u> <u>1,501 - 3,000 sq. ft =</u> <u>3,001 - 6,000 sq. ft =</u> <u>6,001 - 9,000 sq. ft =</u> <u>More than 9,001 sq. ft =</u>	<u>\$100</u> <u>\$150</u> <u>\$200</u> <u>\$250</u> <u>\$300</u>	

**** (R) = Renewable (NR) = Non-Renewable**

SECTION 4: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) (b) be amended to increase the Re-inspection fee and which shall read as follows:

- (b) Re-inspections Fee: A re-inspection fee of \$200.00 shall be imposed for each additional inspection if a violation(s) stated in the initial written notice has not been corrected.

SECTION 5: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.47 (Fees) subsection (c) be deleted in its entirety.

SECTION 6: The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

SECTION 7: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

EXHIBIT -(A) EXISTING FEE TABLE

Section 105.6.47 Fees.

(a)

The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge fees, on a yearly, one time or location basis for the issuance of permits for certain activities or storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

The minimum fee for inspection and permit issuance for any activity not listed shall be \$36.00.

Permit Classification	Basis of Determining Fee	Minimum Fee	Maximum Fee
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	66.00
Waste material handling	\$132.00	132.00	132.00
Bowling pin refinishing and lane resurfacing	\$42.00	42.00	42.00
Combustible fibers	100—500 cubic feet-\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic fee (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200—1,000 cubic feet-\$22.00; 1,000+ cubic feet—\$13.00 per 1000 cubic feet. Nonflammable: 6,000—10,000 cubic feet- \$18.00; 10,000+ cubic feet—\$13.00 per 1,000 cubic feet. (Permit not required for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)	22.00 18.00	180.00 180.00
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids	35.00	180.00
	Type III: \$35.00 per machine utilizing 140 degrees F. liquids	35.00	180.00
	Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00	180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blasting agents	\$90.00	90.00	90.00
Blasting permits	\$90.00 (per location) City wide permit\$156.00	90.00	156.00
Flammable finishes	Dip Tanks—\$42.00 per tank. Spray booths-\$42.00 per booth not exceeding 25 sq.	42.00 42.00	222.00 222.00

	ft.		
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Duel component coating	66.00	66.00
Flammable and combustible liquids	Plan review—Tank removal Installation A/G and U/G;	66.00	66.00
Flammable and combustible liquids	Tank storage—\$.036 per gallon of flammable liquid or combustible liquid	4.50	\$132.00
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit—\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55—110 gallons—\$22.00; 110—500 gallons—\$42.00; 500+ gallons—\$66.00	22.00	66.00
	Oxidizing materials: 500—1,000 pounds—\$42.00 1,000+ pounds—\$66.00	42.00	66.00
	Organic peroxides: 10—50 pounds—\$22.00 50—100 pounds—\$42.00 100+ pounds—\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials—\$66.00 for any amount in excess sealed source or more than 1 milli curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LP gases or LNG	Plan review for installation	66.00	66.00
	Tank storage: \$.036 per gallon of LP or LNG liquid	4.50	132.00
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00

Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
Places of public assembly	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans	43.00	43.00
Places of public assembly	Permit for occupant load—\$42.00, plus \$0.42 per person	42.00	222.00
Site development	Plan review	43.00	43.00
Combustible material	2,500—5,000 cubic feet—\$42.00; 5,000+ cubic feet—\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25—100 pounds—\$22.00; 100+ pounds—\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location—\$42.00 City wide permit—\$14.00	42.00	114.00
Tent/carnival	Per location	66.00	66.00
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500—5,000 sq. ft.—\$42.00 5,000+ sq. ft.—\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
Organic coating	\$66.00	66.00	66.00

(b)

A re-inspection fee of \$36.00 shall be imposed for each re-inspection if a violation stated in the initial written notice has not been corrected.

(c)

A fee of \$40.00 shall be imposed for each open records inquiry including: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

Exhibit B

Fire & Life Safety Permit and Inspection Fee Structure Proposal

Atlanta Fire Rescue

Inspections Unit

May 5th, 2010

Introduction/Executive Summary

- **Services provided by the Inspections Unit:**
- **Improvements/technology investment**
- **Impact on safety and criticality of the fees**
- **Expand services**

Fire inspections unit annual operating cost: \$1.8 (M)

Personnel/Training			
#	Item	Unit cost	Amount
1	Captain (Sworn)	\$ 112,496	\$ 112,496
10	Lieutenants (Sworn)	\$ 97,447	\$ 974,473
9	Inspectors (General)	\$ 62,110	\$ 558,994
2	Admin Assistant (General)	\$ 62,533	\$ 125,066
8	NFPA Inspector I Test	\$ 350	\$ 2,800
8	Renewal Fee	\$ 150	\$ 1,200
8	Recertification Fees	\$ 150	\$ 1,200
12	State Fire Inspector training	\$ 500	\$ 6,000
Total Personnel/Training			\$ 1,782,229

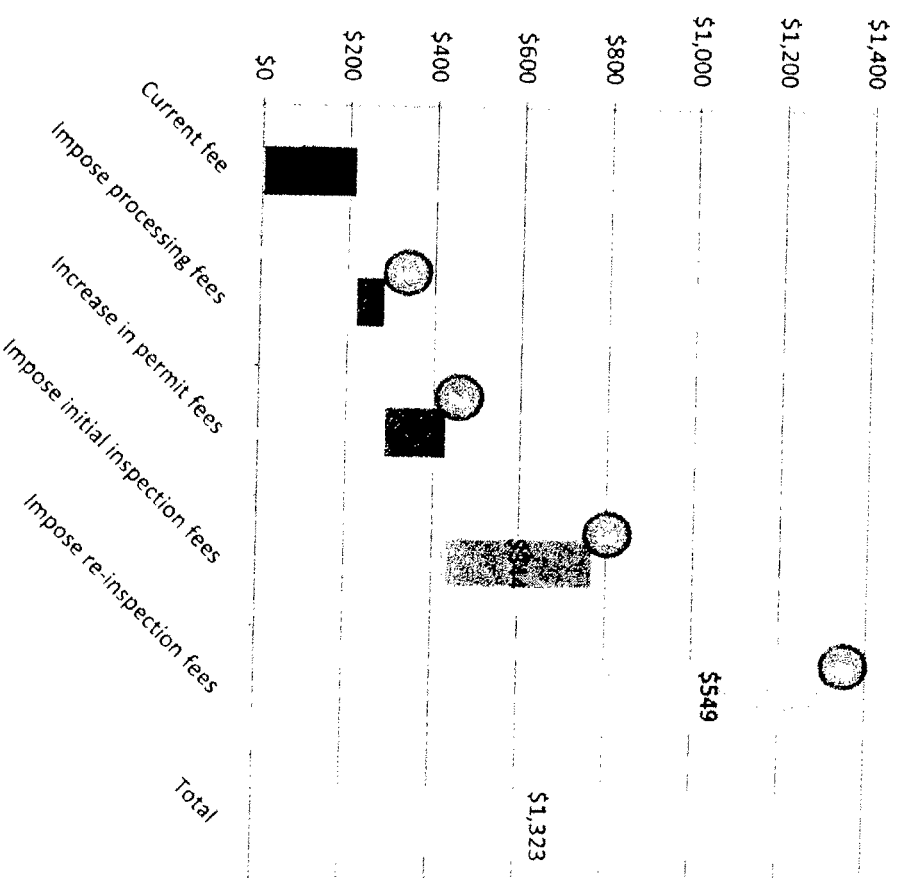
Operations		
Budget code	Description	Amount
5212001	Consultant	\$ 4,320
5234001	Printing & Binding	\$ 3,200
5237002	Training Registration	\$ 1,100
5311001	Consumable	\$ 2,081
5311002	Non-consumable	\$ 2,180
5316005	Computer (\$1,000-4,999)	\$ 17,906
5317003	Supplies, Small Parts	\$ 500
5510001	Motor Equip.	\$ 20,270
5510002	PM/Repairs	\$ 26,992
Total Operations		\$ 78,549

Total budget \$1,860,778

Source: 2009-2010 budget; Fire Inspection Unit Business Plan

Four proposed changes to the Fire & Life Safety Inspection fee program can recover \$1M

Fire Inspection Unit fees by type (\$K)



Current practice

- Fire Inspections Unit conducts inspections prior to issuing Fire Safety Permits
- Inspections Unit only charges for permit issuance, not for initial inspections or re-inspections
- Inspections Unit issued 2937 permits and charged for \$218K in 2009

Proposed changes to permit/inspection fee program

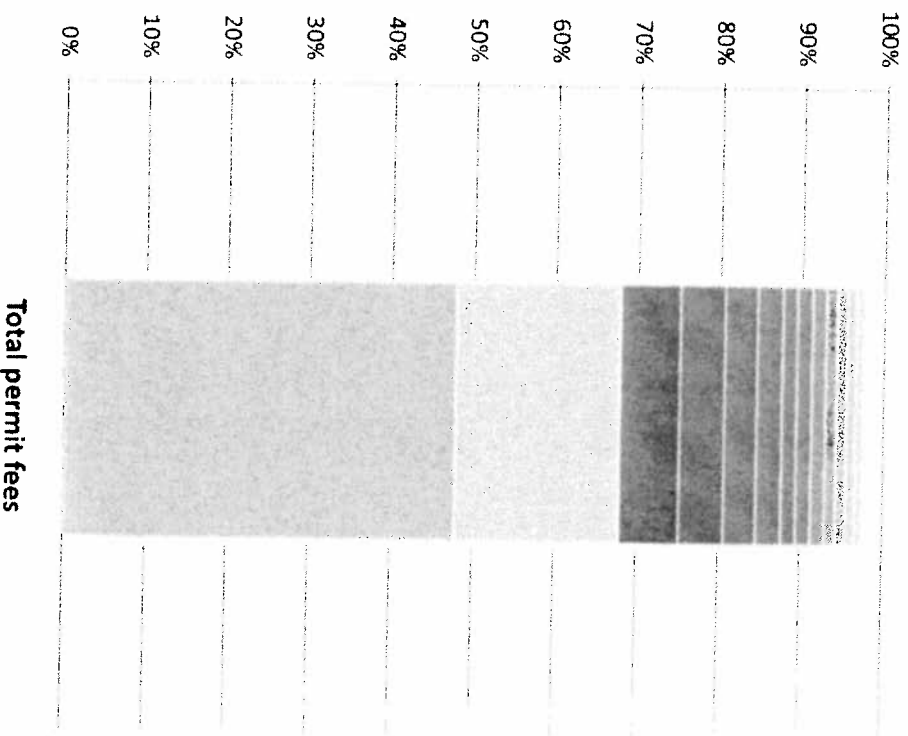
- Impose a \$25 processing fee per permit issued :
- Remove maximum fee cap and charge per unit (i.e. tank or event) for two permit types with highest revenue :
- Impose initial inspection fee for all inspections :
- Increase re-inspection fees for violations not corrected after initial inspection to enhance public safety

Compare the old/new legislation

Permit Type	Existing Fee Schedule	Proposed Fee Schedule	Rationale
Public Assembly	Imposes a maximum fee of \$222.00 for a public assembly permit for a capacity up to 527 persons, with no distinction for events or facilities with greater capacity.	Removes maximum cap on public assembly permits and charge per area to minimize overcrowded conditions to enhance public safety.	100 out of 1001 public assembly permits issued in 2009 were assessed at the maximum fee for 523 people per event – this poses a public safety hazard for multiple locations/venue for each event and requires more detailed inspections
Tank Storage	Existing fee is based on capacity and imposes a maximum fee of \$132.00 on flammable liquid storage tanks at 3790 gallons . Approximately 35% of permits issued in 2009 were for tank capacities exceeding 3790 gallons.	Removes maximum cap on fuel storage fees by imposing a fee per tank or container to provide better hazard tracking, identification & reporting capabilities.	269 out of 580 tank storage permits issued in 2009 were assessed at the maximum fee of 3200 gallons per business – this presents a high hazard as each tank over capacity adds greater public safety concerns...

- Of the \$220K permit fees charged in 2009, Operational Permits (*Public Assembly, Tank Storage, etc.*) accounted for ~70%

Fire Safety Permit fees by type of permit:



Note: Permit type generating less than \$1,000 total in 2009 included in the Other category
Source: 2009 Permit Record

- Other (\$3.5K)
- DRY CLEANING (\$1.5K)
- COMPRESSED GASES/NON-FLAMMABLE (\$2.3K)
- INDUSTRIAL BAKING OVEN (\$2.3K)
- LP GASES OR LNG (\$2.6K)
- FLAMMABLE LIQUID - SAFETY CANS (\$3.1K)
- FLAM. FINISHES SPRAY BOOTHS (\$3.6K)
- HAZARDOUS CHEMICALS-CORROSIVES (\$3.8K)
- HIGH PILED COMBUSTIBLE STOCK (\$4.1K)
- COMBUSTIBLE MATERIALS (\$6.7K)
- FLAMMABLE LIQUID-MISCELLANEOUS (\$8.6K)
- FLAMMABLE LIQUID-DRUM STORAGE (\$11.9K)
- COMPRESSED GASES FLAMMABLE (\$15.9K)
- FLAMMABLE LIQUID - TANK STORAGE (\$43.6K)
- PLACE OF PUBLIC ASSEMBLY (\$104.5K)

- Removing maximum fee and charging per unit for *Public Assembly & Tank Storage* permits can increase cost recovery by \$145K

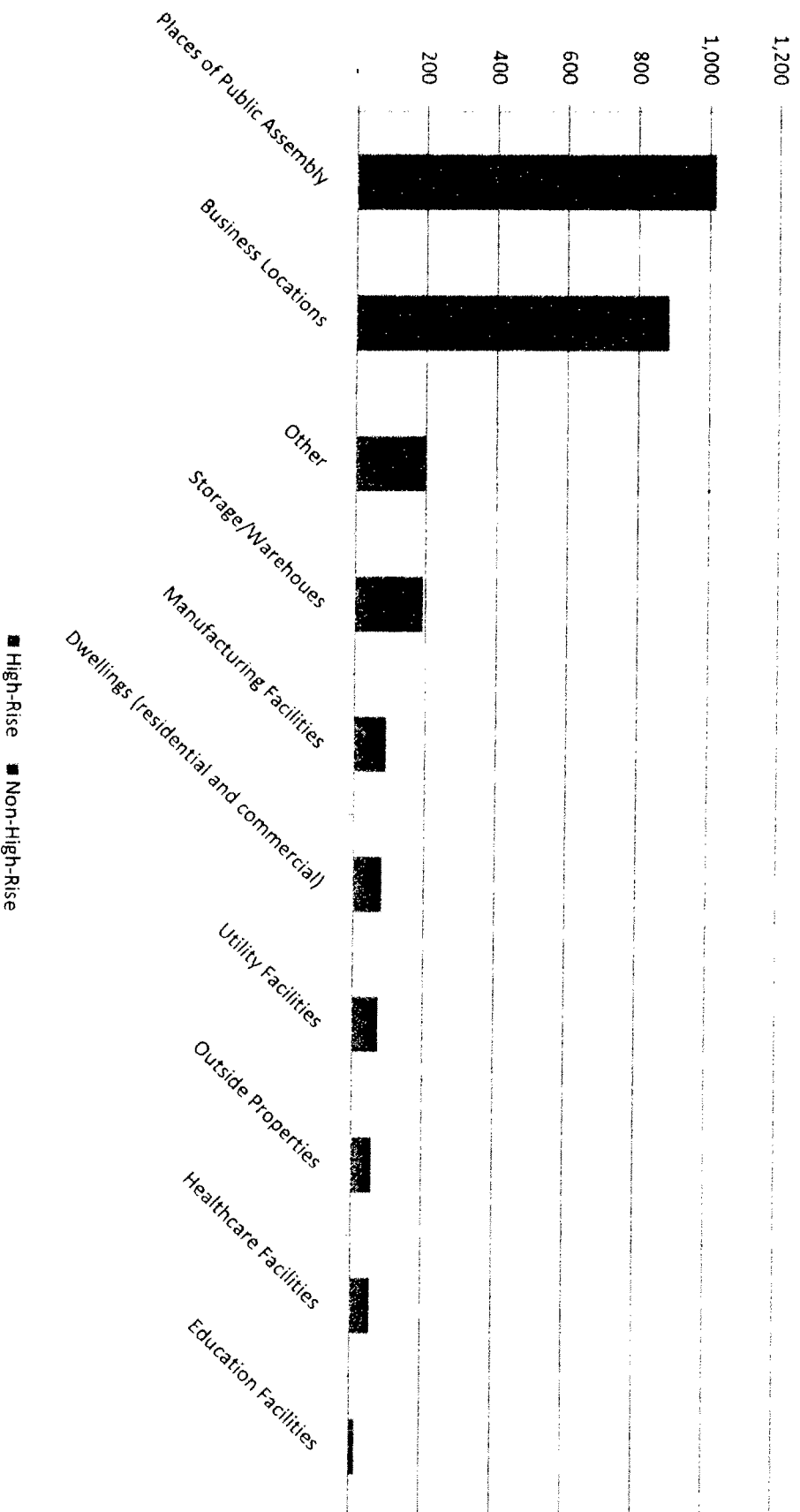
PLACE OF PUBLIC ASSEMBLY (may include permit endorsement for open-flames & candles)			
# of permits at max fee			100
% over capacity			75%
# of permits qualified for new fee			75
current max fee	\$		222
incremental fee per unit	\$		181
FLAMMABLE LIQUID - TANK STORAGE			
# of permits at max fee			269
% over capacity			75%
# of permits qualified for new fee			202
current max fee	\$		132
incremental fee per unit	\$		652
total incremental revenue	\$		131,445

Total permit fee increase

Note: Assumed only 75% of current permits at max fee would need additional capacity; incremental fee per unit estimated with a sample of permit records
Source: 2009 Permit Record

Inspections unit conducted 2,673 non-exempt initial inspections in 2009

of initial inspections by Fixed Property Use



Source: 2009 Inspections Record

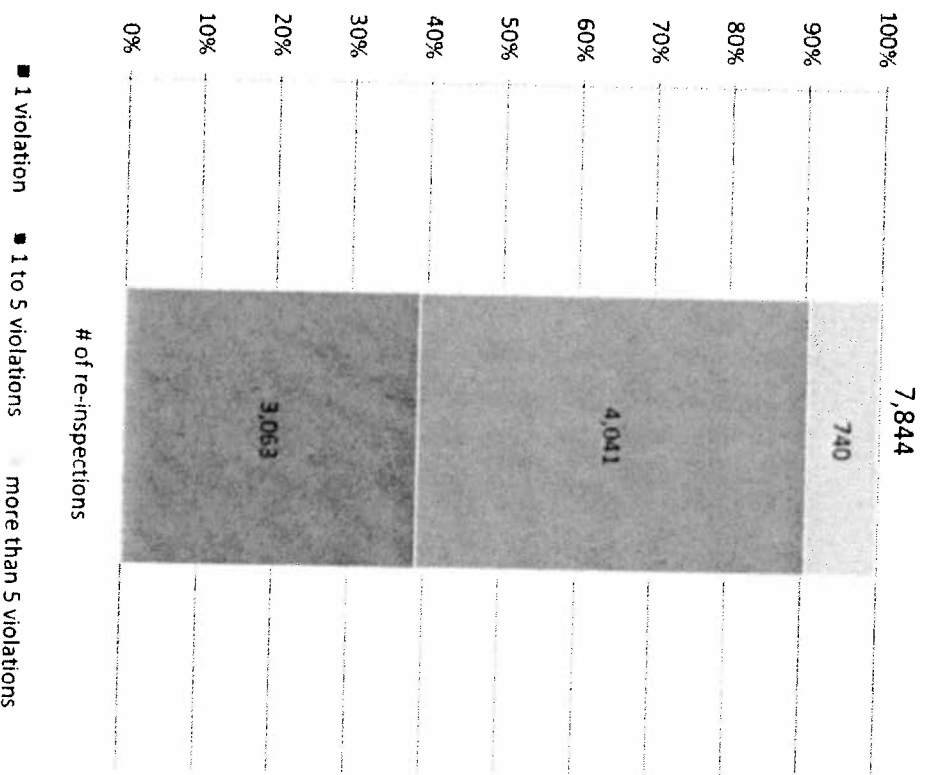
Initial inspection fee of \$344K is assessed based on time required by property type

Inspection time (hours) by fixed property use		High-Rise	Non-High-Rise
Business Locations (<i>special hazard/ high-rise</i>)*		12.0	1.5
Dwellings (residential and commercial)*		10.0	1.5
Education Facilities		N/A	3.0
Healthcare Facilities		8.0	4.5
Manufacturing Facilities		N/A	4.5
Other		1.5	1.5
Outside Properties		N/A	1.5
Places of Public Assembly (open flames & candles)*		2.0	2.0
Storage/Warehouses		2.5	2.5
Utility Facilities		2.0	2.0

Note: N/A denotes type of properties that do not have high rises

Increasing re-inspection fees for fire code violations can increase cost recovery \$564K

Re-inspections by # of violations (2009)



- AFR conducted 3 re-inspections per each initial inspection in 2009
- Imposing a of \$200 per re-inspection if violations were not corrected (4 hours of labor) allows
 - AFR to resource properly for re-inspections
 - Encourage compliance of fire safety rules & regulations
 - Reduce community risk of fire hazards

Note: Does not include inspections at the airport or evening safety observations
Source: 2009 Inspections Record

Charging \$50 per hour will recover 71% cost of Fire & Life Safety Inspection Services

	Hourly rate = \$50	Hourly rate = \$75	Hourly rate = \$100
Current fees:	\$218,021	\$218,021	\$218,021
Permit processing fee (administrative):	\$66,825	\$66,825	\$66,825
Increase in permit fees:	\$145,056	\$145,056	\$145,056
Impose initial inspection fees:	\$343,743	\$515,614	\$550,897
Impose re-inspection fees:	\$549,080	\$823,620	\$879,979
Total anticipated <u>cost recovered/revenue</u> :	\$1,322,725	\$1,769,136	\$1,860,778
Cost Recovery Ratio:	71%	95%	100%

Total Budget \$1,860,778

Appendix: hourly rate calculation

Internal and External Overhead Charges

	<u>No.</u>	<u>Mid-range</u>
Fire Lieutenant	10	\$22.75
Fire Inspector's (Civilian)	9	\$22.35
Total	19	

Average hourly rate

\$ 22.56

Total hourly expense including benefits

\$ 35.95

Benefits 59.33%

External Charges

Budget Related Items	\$ 78,549
Technology fees	\$ 30,000
Overhead*	\$ 248,762

Total external cost	\$ 357,311
Per inspector	\$ 18,806
# of work days	252
Per work day	\$ 74.63
Per hour	\$ 9.33

Total: \$ 45.27

*including training, admin support, captain overseeing the division

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta is authorized to assess and collect fees for fire inspections, fire plan review, and fire permits pursuant to O.C.G.A., Title 25, Chapter 2, Sections 25-2-4.1 and 25-2-12.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety, and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to O.C.G.A., Title 25, Chapter 2, Section 25-2-12, Subsection (a)(2) ("O.C.G.A. §25-2-12") the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare by requiring fire inspections, fire plan reviews, and fire permits; and

WHEREAS, the portion of Chapter 78, Article III, Section 78-57 ("§78-57"), Subsection (b) of the Code of Ordinances of the City of Atlanta, entitled 105.6.7 (Fees) sets forth the schedule of fees regarding fire inspection, fire plan review, and fire permits ("Fees") that the City of Atlanta Fire Rescue Department through the Fire Inspections Bureau shall charge for fire inspections; and

WHEREAS, certain fire safety inspections, plan reviews, and issues fire permits are not set out in the schedule of fees but are authorized pursuant to O.C.G.A. §25-2-12 (a)(2) and City of Atlanta Code of Ordinances §78-57; and

WHEREAS, the Fire Inspections Bureau of the City of Atlanta Fire Department exists solely to perform fire safety inspections, plan reviews, and issues fire permits in compliance with O.C.G.A. §25-2-12 (a)(2); and

WHEREAS, the City has experienced significant growth since 2002 without any fee adjustments to fire inspections, fire plan reviews, and fire permit services; and

WHEREAS, the City's cost to provide fire inspections, fire plan reviews, and fire permit services has increased; and

WHEREAS, the City desires to increase existing fire inspection, fire plan review, and fire permit fees and establish authorized fire inspection, fire plan review, and fire permit fees to recover the Fire Inspection Bureau's costs of these related services by imposing fees established by a fee study conducted by the Atlanta Fire Rescue Department and attached hereto as Exhibit 'A'; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: That the portion of Chapter 78, Article III, Section 78-57, Subsection (b) of the Code of Ordinances of the City of Atlanta ("City"), entitled 105.6.7 (Fees) (attached hereto as Exhibit B) be deleted in its entirety and replaced as follows:

Section 105.6.47 Fees.

- (a) The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge and collect fees, on a yearly, one time or location basis for the issuance of permits or activities including storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

In addition to the annual fees described in §105.6.47, a \$25.00 application fee shall be charged.

1. FIRE SAFETY INSPECTION:

A. Business Structures:

In accordance with O.C.G.A. §25-2-12 (2) fire inspection shall be performed in order to issue permits *or authorize occupancy as* required. The annual fees therefore shall be as follows:

- i. There shall be an *inspection* fee of \$50 for a business having up to 3,000 square feet.
- ii. There shall be an *inspection* fee of \$100 for a business having 3,001 square feet to 5,000 square feet.
- iii. There shall be an *inspection* fee of \$150 for a business having 5,001 square feet to 10,000 square feet.
- iv. There shall be an *inspection* fee of \$200 for a business having more than 10,000 square feet.

B. High-Rise Structures:

- i. There shall be an *inspection* fee of \$ \$250 for a High-rise 12 stories or less
- ii. There shall be an *inspection* fee of \$400 High-rise 13 to 40 stories or less
- iii. There shall be an *inspection* fee of \$550 for a High-rise 41 stories or greater

2. **OPERATIONAL PERMITS:** Operational permits are required to conduct certain operations or businesses. In addition to Fire inspection fees, operational fees may be required for certain activities as listed. Multiple operations performed at the same location shall be charged a single inspection fee pursuant to §105.6.47 (a)(1). However, each operation shall be individually assessed permit fees and may incur cumulative fees. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12(2).

Permit approvals subject to site inspection.

OPERATIONAL PERMITS			
Permit Classification	Basis of Determining Fee	Minimum Fee	Maximum Fee : Note (not including inspection)
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	66.00
Waste material handling	\$132.00	132.00	132.00
Bowling pin refinishing and lane resurfacing	\$42.00	42.00	42.00
Combustible fibers	100--500 cubic feet--\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic fee (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200--1,000 cubic feet--\$22.00; 1,000+ cubic feet--\$13.00 per 1000 cubic feet. Nonflammable: 6,000--10,000 cubic feet- \$18.00; 10,000+ cubic feet--\$13.00 per 1,000 cubic feet. (Permit not required	22.00 18.00	180.00 180.00

	for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)		
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids	35.00	180.00
	Type III: \$35.00 per machine utilizing 140 degrees F. liquids	35.00	180.00

	OPERATIONAL PERMITS FEES CONTINUED.		
	Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00	180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blasting agents	<u>\$100</u>	\$100	\$100
Blasting permits	\$100 (per location) City wide permit \$166.00	90.00	\$166.00
Flammable finishes	Dip Tanks--\$42.00 per tank.	42.00	222.00
	Spray booths--\$42.00 per booth not exceeding 25 sq. ft.	42.00	222.00
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Duel component coating	66.00	66.00
Flammable and combustible liquids	Tank storage--\$.036 per gallon of flammable liquid or combustible liquid ; (per tank)	4.50	
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit--\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55--110 gallons--\$22.00; 110--500 gallons--\$42.00; 500+ gallons--\$66.00	22.00	66.00

	Oxidizing materials: 500--1,000 pounds--\$42.00 1,000+ pounds- \$66.00	42.00	66.00
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	OPERATIONAL PERMITS FEES CONTINUED		
	Organic peroxides: 10--50 pounds-\$22.00 50--100 pounds--\$42.00 100+ pounds--\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials--\$66.00 for any amount in excess sealed source or more than 1 milli curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LPG or LNG	Tank storage: \$0.036 per gallon of LP or LNG liquid (per tank)	4.50	
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
<u>Fleet motor-fuel dispensing operations</u>	1-3 vehicles 4-6 vehicles 7-10 vehicles 11 or more vehicles	50.00 100.00 150.00 200.00	
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00
Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
<u>Exhibit & Trade Shows</u>	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans, <i>includes site inspection. Activity not allowed in non-permitted facilities.</i>	79.00	79.00

Places of public assembly	Permit for occupant load--\$42.00, plus \$0.42 per area permitted:	42.00	
<u>Special Hazard Structures</u>	Buildings presenting special hazards to persons or property per O.C.G.A. § 25-2-13	\$50.00	\$150.00
Combustible material	2,500--5,000 cubic feet--\$42.00; 5,000+ cubic feet--\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25--100 pounds--\$22.00; 100+ pounds--\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location--\$42.00 City wide permit--\$14.00	42.00	114.00
Tent/carnival	Per location; <u>Having up to 400 sq. ft = \$50.00</u> 401 - 1,500 sq. ft = 1,501 - 3,000 sq. ft = 3,001 - 6,000 sq. ft = 6,001 - 9,000 sq. ft = <u>More than 9,001 sq. ft =</u>	\$100 \$150 \$200 \$250 \$300	
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500--5,000 sq. ft.--\$42.00 5,000+ sq. ft.--\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
<u>Open flames & candles</u>	To use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	50.00	50.00

3. **CONSTRUCTION PERMITS:** *As authorized pursuant to O.G.C.A. 25-2-4.1 and City of Atlanta Code §78-57*, a construction permit allows the applicant to install or modify fire protection systems and equipment for which a fire permit is required by this section. Application for permit shall be made to the Atlanta Fire Department and shall be accompanied by plans for review. These fees shall not apply to structures that are exempt pursuant to O.C.G.A. 25-2-12 (2).

These fees are separate and in addition to any Bureau of Building permit fees.

CONSTRUCTION PERMITS PLANS REVIEW FEE SCHEDULE			
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	SQUARE FOOTAGE OF PROJECT	DESCRIPTION
TENANT FINISH OR IMPROVEMENT	\$100	1 - 10,000 sq. ft.	To obtain a construction permit to modify, change, or alter the interior of any commercial building.
	\$150	Over 10,000 sq. ft.	
NEW BUILDING CORE & SHELL OR BUILDING ADDITION	\$100	1 - 10,000 sq. ft.	To obtain a construction permit to construct or add to the total area of any building other than single-family or two-family residences. Includes site inspections for 80% completion, 100% completion and one follow-up inspection if needed prior to opening.
	\$150	10,001 - 100,000 sq. ft.	
	\$200	100,001 - 150,000 sq. ft.	
	\$225	Over 150,001 sq. ft.	
NEW PARKING STRUCTURE	1/3 of New Building Fee	N/A	New parking structure built as part of new building complex.
	1/2 of New Building Fee	N/A	New parking structure built separately.
SITE DEVELOPMENT	\$100.00	N/A	New development activity to ensure emergency vehicle access in compliance with code.
DEMOLITION	\$100	N/A	To obtain a construction permit to conduct demolition operations.
PLACES OF PUBLIC ASSEMBLY	\$75.00	N/A	Plan review for permit issuance to operate a room or areas as a place of assembly in compliance with life safety code. Note: Fees required for each separate set of plans

CONSTRUCTION PERMITS cont'd		
FIRE PROTECTION EQUIPMENT AND SYSTEMS INSPECTION FEE SCHEDULE		
TYPE OF INSPECTION	INSPECTION FEE	DESCRIPTION
FIRE PROTECTION UNDERGROUND FIRE LINE	\$100	To perform inspections for 80% and 100% for approval to extend, modify, or alter an underground fire service main (underground fire lines).
AUTOMATIC SPRINKLER SYSTEMS 13, 13R & 2001	\$75	To perform inspections for 80% and 100% for approval for new automatic sprinkler system in a multi-family residence, hotel, business or commercial facility.
FIRE PUMP	\$150	To obtain a construction permit to install a fire pump.
STANDPIPE	\$100	To obtain a construction permit to install a standpipe system.
FIRE ALARM SYSTEM NEW	\$125	To obtain a construction permit to install or modify a fire alarm system.
FIRE ALARM SYSTEM CERTIFICATION	\$50.00 Annually	To ensure approved fire alarm systems are properly maintained and serviced. Prior to system being put in service an approved system certification is required to identify qualified service personnel responsible for system inspection, testing and/or maintenance. Fire alarm systems shall be inspected, tested & certified annually.

EXIT/ACCESS CONTROL SYSTEMS	\$ 50	To obtain a construction permit to install or modify an access control systems in all commercial occupancies.
HOOD & DUCT FIRE PROTECTION SYSTEMS	\$150	To obtain a construction permit to install a hood and duct fire extinguishing system for commercial cooking operations.
FIRE HYDRANT	\$100	To review and approve fire hydrant locations for water supplies.
WATER TANKS FOR FIRE PROTECTION	\$150	To obtain a construction permit to install water tanks for private fire protection in accordance with NFPA 22.
VEHICLE ACCESS GATES	\$50	To obtain a construction permit to approve emergency vehicle access gates.

CONSTRUCTION PERMITS cont'd		
HAZARDOUS MATERIAL CONSTRUCTION & INSPECTION FEE SCHEDULE		
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	DESCRIPTION
HAZARDOUS MATERIAL	\$250	To obtain a construction permit to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility, regulated by the fire code when the hazardous materials in use or storage exceed the amounts listed
AST OR UST REMOVAL	\$100	To obtain a construction permit to remove, abandon or place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.
AST OR UST INSTALLATION	\$150	To obtain a construction permit to install, construct, or alter tanks or equipment used for storage of flammable or combustible liquids that are part of a motor vehicle fuel dispensing facility.
BULK FUEL TANK INSTALLATION	\$250	To obtain a construction permit to install, construct, or alter tank or equipment used for the storage of flammable or combustible liquids.
FUEL DISPENSERS	\$150	To obtain a construction permit to install and operate fuel dispensers.
BATTERY SYSTEM (UPS)	\$100	To obtain a construction permit to install a stationary lead-acid battery system having a liquid capacity of more than 100 gallons.
COMPRESSED GAS SYSTEMS	\$150	To obtain a construction permit to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a compressed gas system.
LP-GAS INSTALLATION PERMANENT OR TEMPORARY	\$125	To obtain a permit to install permanent LP-gas systems or containers permanently, or for a period of less than six months.

HAZARDOUS MATERIAL CONSTRUCTION & INSPECTION FEE SCHEDULE, continued		
TYPE OF PERMIT	PERMIT FEE (COMBINED PLAN REVIEW & INSPECTION FEE)	DESCRIPTION
MEDICAL GAS SYSTEM	\$150	To obtain a construction permit to install a nitrous oxide and/or oxygen medical gas system in compliance with NFPA 99.
REFRIGERATION EQUIPMENT	\$150	To obtain a construction permit to install a refrigeration system regulated by the fire code.
SPRAY BOOTHS, SPRAY ROOMS OR MIXING ROOMS	\$150	To obtain a construction permit to install booths or equipment, or construct rooms used for mixing, spraying, dipping or drying of flammable or combustible liquids.

CONSTRUCTION PERMITS MISCELLANEOUS SERVICES/ INSPECTION FEE SCHEDULE		
TYPE OF CHARGE	FEE	DESCRIPTION
TEMPORARY ACCESS ROAD AGREEMENT	\$ 50 - 30 days \$ 75 - 60 days \$125 – more than 90 days	To obtain a construction permit to install a temporary access road in compliance with fire department standards for a specific time period.
REMOVAL OF STOP WORK ORDER	\$100 For 1st offense; double the previous fee thereafter	To remove a "Stop Work Order" issued by the fire department.
AFTER HOURS INSPECTION/PLAN REVIEW	\$75.00 per /hr	Upon request of a contractor or building owner, the fire department performs an inspection before or after the normal business hours of 08:00 and 16:00, Monday – Friday, or any time on weekends.
ADDITIONAL PLAN REVIEW	\$75	This fee shall be paid for the review of plans when changes are made to plans that have been previously approved.
MISCELLANEOUS PLAN REVIEW/	\$50	This fee is assessed when there is no other applicable fee

INSPECTION FEE		indicated.
EXPEDITED PLAN REVIEW OR INSPECTION	\$100 per/hr 1-hr. min.	Upon request of a contractor or building owner for expedited inspection and/or plan review services performed by fire department.
RE-ISSUE PERMIT CARD	\$50	To re-issue a permit card
CERTIFICATE OF OCCUPANCY	\$100	This fee is assessed in compliance with IFC, Sec 105.3.3 and O.C.G.A. § 25-2-4.1 (Fire Safety Fee's & Charges) for issuance of permit indicating applicable provisions of the fire code have been met NOTE: Request for temporary use permits may be granted provided all fire protection equipment have been tested & approved and subject to additional fee's.
CROWD MANAGER CERTIFICATION	\$100	This fee is assessed in compliance with IFC, Sec. 408.2.3, for assembly occupancies having occupant loads of 100 or more, is required to have a minimum of one trained crowd manager. This fee shall be renewed annually. NOTE: Operational permits for places of assembly shall not be renewed without a designated crowd manager certification.
FIRE SAFETY TRAINING	\$100 Fire extinguisher training	This fee is assessed for businesses requesting employee fire safety & prevention training in accordance with fire code, sections 406.

- (b) Re-inspections Fee: A re-inspection fee of \$200.00 shall be imposed for each additional inspection if a violation(s) stated in the initial written notice has not been corrected.
- (c) Open Records Request Fee: A fee of \$40.00 shall be imposed for each open records inquiry including but not limited to: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

Section 2: The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

Section 3: Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

Exhibit A

10-0-0729

EXHIBIT-(A) EXISTING FEE TABLE

Section 105.6.47 Fees.

(a)

The fire chief of the Atlanta Fire Rescue Department or his designee is authorized to charge fees, on a yearly, one time or location basis for the issuance of permits for certain activities or storing of certain materials that constitute fire hazards for which permits are required by the Fire Prevention Code, and certain activities not requiring a fire permit shall be in accordance with the following schedule of charges.

The minimum fee for inspection and permit issuance for any activity not listed shall be \$36.00.

Permit Classification	Basis of Determining Fee	Minimum Fee	Maximum Fee
Aircraft hanger	\$66.00 per hanger (permit is not required for residential aircraft hangers)	\$66.00	\$132.00
Auto tire rebuilding	\$22.00 per buffing machine	22.00	180.00
Auto wrecking yard	\$66.00	66.00	66.00
Junkyard	\$66.00	66.00	66.00
Waste material handling	\$132.00	132.00	132.00
Bowling pin refinishing and lane resurfacing	\$42.00	42.00	42.00
Combustible fibers	100—500 cubic feet-\$22.00; 500+ cubic feet- \$13.00 per 1,000 cubic feet (Permit is not required for storage of less than 100 cubic feet.)	22.00	180.00
Compressed gases	Flammable: 200—1,000 cubic feet-\$22.00; 1,000+ cubic feet-\$13.00 per 1000 cubic feet. Nonflammable: 6,000—10,000 cubic feet- \$18.00; 10,000+ cubic feet-\$13.00 per 1,000 cubic feet. (Permit not required for less than 200 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.)	22.00 18.00	180.00 180.00
Dry cleaning	Type II: \$35.00 per machine utilizing class II flammable liquids	35.00	180.00
	Type III: \$35.00 per machine utilizing 140 degrees F. liquids	35.00	180.00
	Type IV: \$35.00 per machine utilizing nonflammable liquids	35.00	180.00
Explosive dust operations	\$114.00	114.00	114.00
Explosives/blasting agents	\$90.00	90.00	90.00
Blasting permits	\$90.00 (per location) City wide permit\$156.00	90.00	156.00
Flammable finishes	Dip Tanks—\$42.00 per tank. Spray booths-\$42.00 per booth not exceeding 25 sq.	42.00 42.00	222.00 222.00

	ft.		
	\$66.00 per booth in excess of 25 sq. ft.	66.00	222.00
	Flow coat operations	66.00	66.00
	Electrostatic spraying	66.00	66.00
	Auto undercoating	66.00	66.00
	Power coating	66.00	66.00
	Organic peroxides coating	66.00-	66.00
	Dual component coating	66.00	66.00
Flammable and combustible liquids	Plan review—Tank removal installation A/G and U/G;	66.00	66.00
Flammable and combustible liquids	Tank storage—\$.036 per gallon of flammable liquid or combustible liquid	4.50	\$132.00
	Drum storage	42.00	42.00
	Storage cans	42.00	42.00
	Other forms of combustible/flammable liquid storage	42.00	42.00
Fruit ripening process	\$42.00	42.00	42.00
Fumigation/toxic thermal insecticidal fogging	\$42.00 (per location) City wide permit—\$114.00	42.00	114.00
Garage repair	\$42.00, plus \$22.00 if permit is to include welding operation	42.00	66.00
Hazardous chemicals	Corrosives: 55—110 gallons—\$22.00; 110—500 gallons—\$42.00; 500+ gallons—\$66.00	22.00	66.00
	Oxidizing materials: 500—1,000 pounds—\$42.00 1,000+ pounds—\$66.00	42.00	66.00
	Organic peroxides: 10—50 pounds—\$22.00 50—100 pounds—\$42.00 100+ pounds—\$66.00	22.00	66.00
	Ammonium nitrate (fertilizer): 1,000+ pounds	66.00	66.00
	Highly toxic material and gases	66.00	66.00
	Radioactive materials—\$66.00 for any amount in excess sealed source or more than 1 mill curie radium or other radioactive material in a sealed source, or where license is required.	66.00	66.00
LP gases or LNG	Plan review for installation	66.00	66.00
	Tank storage: \$.036 per gallon of LP or LNG liquid	4.50	132.00
Lumberyards	\$66.00	66.00	66.00
Woodworking plants	\$66.00	66.00	66.00
Magnesium	Permit required for 10 pounds per day or greater	42.00	42.00
Oil burner	Permit required for fuel oil burners utilizing in excess of 25 gallons inside the building; 60 gallons outside the building.	42.00	42.00

Ovens	Industrial baking \$22.00 per oven	22.00	132.00
	Industrial drying \$30.00 per oven	30.00	222.00
Places of public assembly	Plan review to include: Trade shows, exhibitions, displays, contests, etc. Note: Fees required for each individual set of plans	43.00	43.00
Places of public assembly	Permit for occupant load—\$42.00, plus \$0.42 per person	42.00	222.00
Site development	Plan review	43.00	43.00
Combustible material	2,500—5,000 cubic feet—\$42.00; 5,000+ cubic feet—\$22.00 per 1,000 cubic feet. (Permit not required for less than 2,500 cubic feet of combustible material)	42.00	114.00
Matches	Manufacturing	66.00	66.00
	Storage: 25—100 pounds—\$22.00; 100+ pounds—\$42.00	22.00	42.00
Mechanical refrigeration	Refrigeration unit or system containing more than 20 pounds of refrigerant excluding air conditioning units or systems	42.00	42.00
Tar kettle	Per location—\$42.00 City wide permit—\$14.00	42.00	114.00
Tent/carnival	Per location	66.00	66.00
Welding	\$42.00	42.00	42.00
High piled combustible stock	1,500—5,000 sq. ft.—\$42.00 5,000+ sq. ft.—\$22.00 per 1,000 sq. ft. (permit is not required for less than 2,500 sq. ft.)	42.00	114.00
Organic coating	\$66.00	66.00	66.00

(b)

A re-inspection fee of \$36.00 shall be imposed for each re-inspection if a violation stated in the initial written notice has not been corrected.

(c)

A fee of \$40.00 shall be imposed for each open records inquiry including: records of fire code violations, hazardous substance releases, installation or removal of above ground or underground storage tanks containing flammable or combustible liquids.

10-0-0729

Exhibit B

Assumptions			
Public assembly permits			
% at max fee need additional capacity			75%
Current max fee	\$		222
Tank storage permits			
% at max fee need additional capacity			75%
Current max fee	\$		132
Hourly rate for inspection & re-inspection	\$		50
# of night observations (2009)			1,215
Permit processing fee	\$		75
# of permits issued (non-exempt)			2,673
Inspection time requirement based on fixed property use		High-Rise	Non-High-Rise
Business Locations		12.0	1.5
Dwellings (residential and commercial)		10.0	1.5
Education Facilities			3.0
Healthcare Facilities		8.0	4.5
Manufacturing Facilities			4.5
Other		1.5	1.5
Outside Properties			1.5
Places of Public Assembly		2.0	2.0
Storage/Warehouses		2.5	2.5
Utility Facilities		2.0	2.0
Re-inspection time requirement based on # of violations			4.0
all violations			35%
% of violations not corrected the 1st time			
Current inspection/permit fees:			
Permit processing fee (administrative)	\$		218,021
Increase in permit fees:	\$		66,825
Impose initial inspection fees:	\$		145,056
Impose re-inspection fees:	\$		343,743
Total inspection unit revenue:	\$		549,080
	\$		1,322,725
Total inspections unit budget			
	\$		1,860,778
	\$		(538,053)

Internal Charges

Average hourly rate	\$	22.56
Total hourly expense including benefits	\$	35.95
Benefits		59.33%

Budget Related Items

Total: \$ 45.27

***including training, admin support, captain overseeing the division**

Fire inspections unit operates with a \$1.9M annual budget

Personnel/Training			
#	Item	Unit cost	Amount
1	Captain (Sworn)	\$ 112,496	\$ 112,496
10	Lieutenants (Sworn)	\$ 97,447	\$ 974,473
9	Specialists-Fire Inspectors(Civilian)	\$ 62,110	\$ 558,994
2	Admin Assistant (Civilian)	\$ 62,533	\$ 125,066
<hr/>			
8	NFPA Inspector I Test	\$ 350	\$ 2,800
8	Renewal Fee	\$ 150	\$ 1,200
8	Recertification Fees	\$ 150	\$ 1,200
12	State Fire Inspector training	\$ 500	\$ 6,000
Total Personnel/Training			\$ 1,782,229

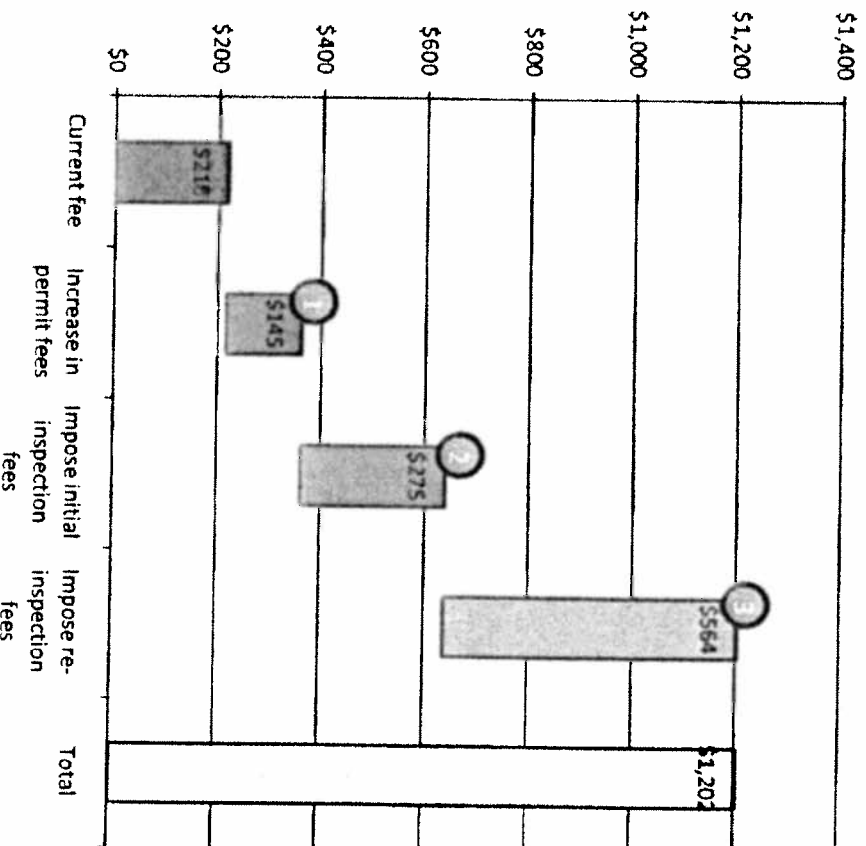
Operations		
Budget code	Description	Amount
5212001	Consultant	\$ 4,320
5234001	Printing & Binding	\$ 3,200
5237002	Training Registration	\$ 1,100
5311001	Consumable	\$ 2,081
5311002	Non-consumable	\$ 2,180
5316005	Computer (\$1,000-4,999)	\$ 17,906
5317003	Supplies, Small Parts	\$ 500
5510001	Motor Equip.	\$ 20,270
5510002	PM/Repairs	\$ 26,992
Total Operations		\$ 78,549

Total Budget \$1,860,778

Source: 2009-2010 budget; Fire Inspection Unit Business Plan

Three changes to the fire inspection fee structure will generate an additional \$1M

Fire Inspection Unit fees by type (\$K)



Current practice

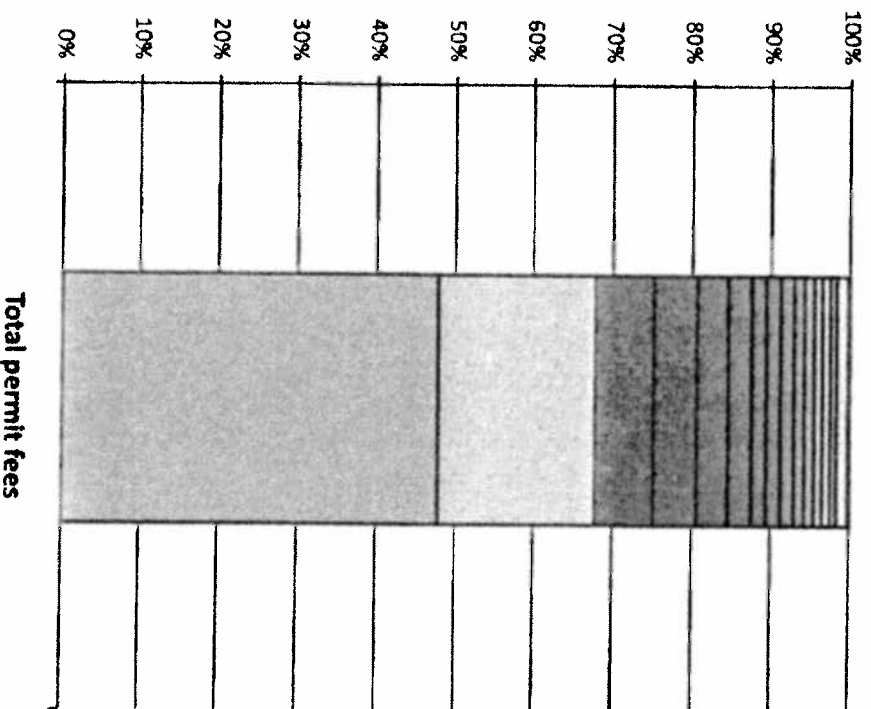
- Fire Inspection Unit conducts inspections prior to issuing Fire Safety Permits
- Inspections Unit only charges for permit issuance, not for initial inspections or re-inspections
- Inspections Unit issued 2937 permits and charged for \$218K in 2009

Proposed changes to permit/inspection fee structure

- Remove maximum fee cap and charge per unit (i.e. tank or event-public assembly area) for two permit types with highest revenue (\$145K)
- Impose initial inspection fee for all permit inspections (\$275K)
- Impose re-inspection fee based on number of violations identified at initial inspection (\$564K)

Of the \$220K permit fees charged in 2009, *Public Assembly & Tank Storage* permits accounted for ~70%

Fire Safety Permit fees by type of permit (\$K, 2009)



Note: Permit type generating less than \$1000 total in 2009 not included in chart
Source: 2009 Permit Record

- Other (\$3.5K)
- DRY CLEANING (\$1.5K)
- COMPRESSED GASES/NON-FLAMMABLE (\$2.3K)
- INDUSTRIAL BAKING OVEN (\$2.3K)
- LP GASES OR LNG (\$2.6K)
- FLAMMABLE LIQUID - SAFETY CANS (\$3.1K)
- FLAM. FINISHES SPRAY BOOTHS (\$3.6K)
- HAZARDOUS CHEMICALS-CORROSIVES (\$3.8K)
- HIGH PILED COMBUSTIBLE STOCK (\$4.1K)
- COMBUSTIBLE MATERIALS (\$6.7K)
- FLAMMABLE LIQUID-MISCELLANEOUS (\$8.6K)
- FLAMMABLE LIQUID - DRUM STORAGE (\$11.9K)
- COMPRESSED GASES FLAMMABLE (\$15.9K)
- FLAMMABLE LIQUID -TANK STORAGE (\$43.6K)
- PLACE OF PUBLIC ASSEMBLY (\$104.5K)

⑬ Removing maximum fee and charge per unit for *Public Assembly & Tank Storage* permits increase permit fee by \$165K

PLACE OF PUBLIC ASSEMBLY	
# of permits at capacity	100
% over capacity	75%
# of permits qualified for new fee	75
current max fee	\$ 222
incremental fee per unit	\$ 181
total incremental revenue	\$ 13,611

FLAMMABLE LIQUID - TANK STORAGE	
# of permits at capacity	269
% over capacity	75%
# of permits qualified for new fee	202
current max fee	\$ 132
incremental fee per unit	\$ 652
total incremental revenue	\$ 131,445

Total permit fee increase

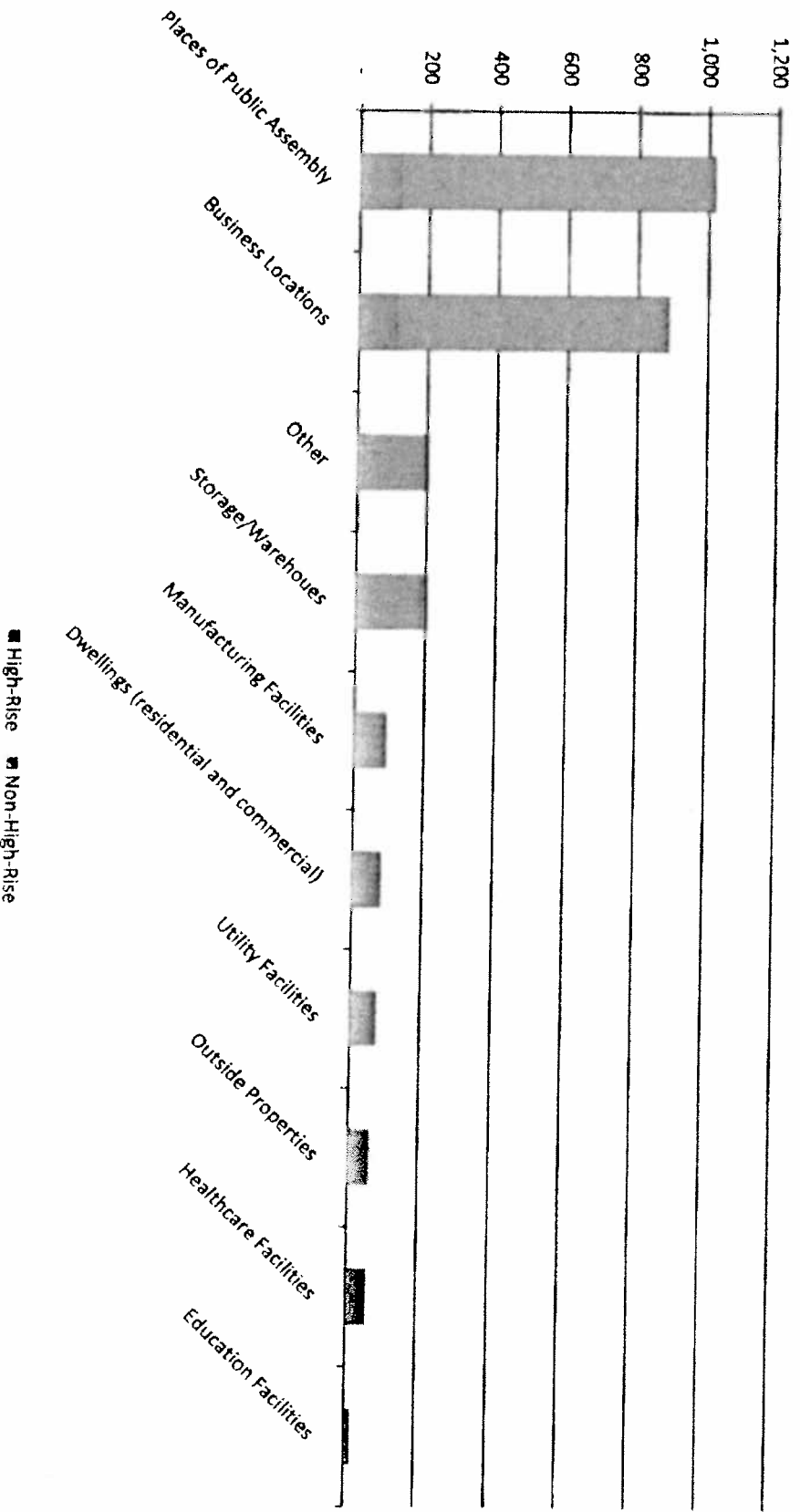
Note: Assumed only 75% of current permits at max fee would need additional capacity; incremental fee per unit estimated with a sample of permit records

Source: 2009 Permit Record



Inspections unit conducted 2,673 non-exempt initial inspections in 2009

of initial inspections by Fixed Property Use (K, 2009)



Source: 2009 Inspections Record

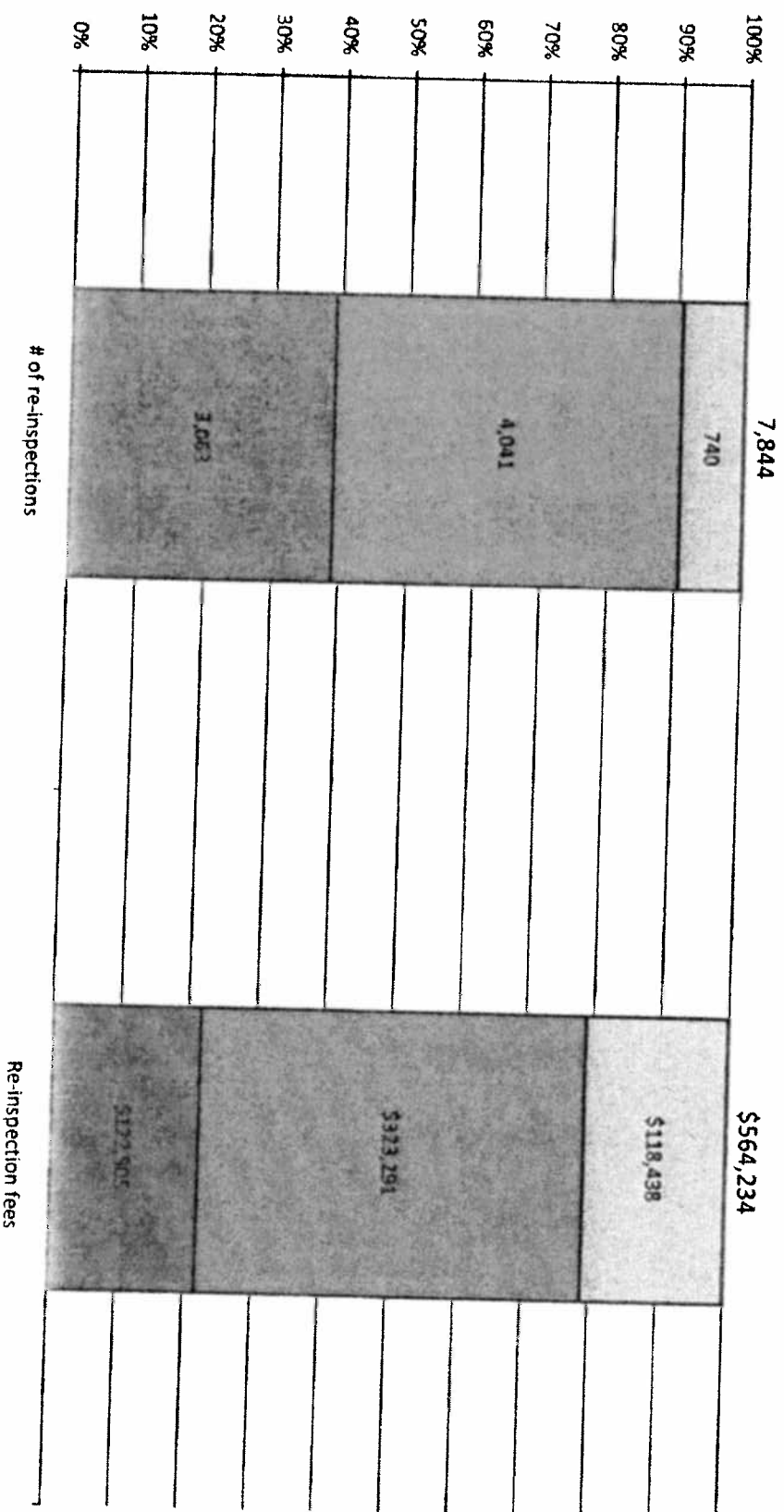


Imposing initial inspection fee based on Fixed Property Use generates \$275K

Inspection fee schedule by fixed property use		High-Rise		Non-High-Rise	
Business Locations	\$	480	\$	60	
Dwellings (residential and commercial)	\$	400	\$	60	
Education Facilities	\$	-	\$	120	
Healthcare Facilities	\$	320	\$	180	
Manufacturing Facilities	\$	-	\$	180	
Other	\$	60	\$	60	
Outside Properties	\$	-	\$	60	
Places of Public Assembly	\$	80	\$	80	
Storage/Warehouses	\$	100	\$	100	
Utility Facilities	\$	80	\$	80	

Imposing re-inspection fees based on count of violations generates \$582-564K

Re-inspection and proposed fees by # of violations per re-inspection



Note: Does not include inspections at the airport or evening safety observations
Source: 2009 Inspections Record

Re-inspection fee schedule

# of violations	# of re-inspections in 2009	Re-inspection fee
1 violation	3,063	\$40
1 to 5 violations	4,041	\$80
more than 5 violations	740	\$160

Charging \$71 per hour for inspections closes the gap between budget and revenue anticipation

	Hourly rate = \$40	Hourly rate = \$50	Hourly rate = \$60	Hourly rate = \$71
Current fees:	\$218,021	\$218,021	\$218,021	\$218,021
Increase in permit fees:	\$145,056	\$145,056	\$145,056	\$145,056
Impose initial inspection fees:	\$74,994	\$343,743	\$412,491	\$490,177
Impose re-inspection fees:	\$564,234	\$705,293	\$846,351	\$1,005,748
Total anticipated revenue:	\$1,202,305	\$1,412,112	\$1,621,919	\$1,859,002

Total budget

\$1,860,778

Appendix: hourly rate calculation

Internal and External Overhead Charges

Internal Charges

	<u>No.</u>	<u>Mid-range</u>
Fire Lieutenant	10	\$22.75
Fire Inspector's (Civilian)	9	\$22.35
Total	19	\$45.10

Average hourly rate $45.10/2 = 22.55$

Total hourly expense including benefits - $22.55 \times (1+59.33\%) = 35.93$

External Charges

Budget Related Items Total - $78549(\text{Budget Items})/19 \text{ (Inspectors)} = 4134.16$

 $4134.16/252 \text{ (Days/per year)} = 16.40$

 $16.40/8 \text{ (hourly)} = 2.05$

Grand Total = $35.93 + 2.05 = 37.98$ or **\$38 per hour**



GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Variance		
Administrative Variance Application		\$100
Revision		
Fire Permit Plan Revision		\$50
Certificates		
Certificate of Occupancy (C.O.)	Tenant Buildings	\$100
	Tenant Interior Space Alterations	
	Tenant Change	
Certificate of Completion (C.C.)	Shell Building	\$50
	Spec Space	
Temporary Certificate of Occupancy (T.C.O.)		\$50
Burn Permit		
Burn Permit		\$500
Site		
Site Plan Review		\$100
Shell Fire Permit		
Shell Building (Sprinklered)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 30,000 sq. ft.	\$300
	30,001 - 100,000 sq. ft.	\$0.015 per square foot
	Greater than 100,000 sq. ft.	\$0.020 per square foot
Shell Building (NonSprinklered)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 30,000 sq. ft.	\$450
	30,001 - 100,000 sq. ft.	\$0.023 per square foot
	Greater than 100,000 sq. ft.	\$0.030 per square foot
Interior Finish Fire Permit		
Assembly Occupancy (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	Greater than 10,000 sq. ft.	\$250
Assembly Occupancy (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	Greater than 10,000 sq. ft.	\$375
Business, Mercantile, DayCare & Educational Occupancy (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 25,000 sq. ft.	\$250
	25,001 - 50,000 sq. ft.	\$300
	Greater than 50,000 sq. ft.	\$400
Business, Mercantile, DayCare & Educational Occupancy (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 25,000 sq. ft.	\$375
	25,001 - 50,000 sq. ft.	\$450
	Greater than 50,000 sq. ft.	\$600

Revised 3/23/10



GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Interior Finish Fire Permit (continued)		
Industrial and Storage Occupancy (Sprinklered Building)	Up to 30,000 square feet (floor area)	\$200
	30,001 - 50,000 sq. ft.	\$300
	50,001 - 100,000 sq. ft.	\$350
	Greater than 100,000 sq. ft.	\$400
Industrial and Storage Occupancy (NonSprinklered Building)	Up to 30,000 square feet (floor area)	\$300
	30,001 - 50,000 sq. ft.	\$450
	50,001 - 100,000 sq. ft.	\$525
	Greater than 100,000 sq. ft.	\$600
Residential Occupancy including Hotel, Lodging/Rooming Houses, Multifamily, Group Homes, Personal Care Homes (Sprinklered Building)	Up to 10,000 square feet (floor area)	\$200
	10,001 - 25,000 sq. ft.	\$250
	Greater than 25,000 sq. ft.	\$300
Residential Occupancy including Hotel, Lodging/Rooming Houses, Multifamily, Group Homes, Personal Care Homes (NonSprinklered Building)	Up to 10,000 square feet (floor area)	\$300
	10,001 - 25,000 sq. ft.	\$375
	Greater than 25,000 sq. ft.	\$450
Supplemental Fire Permit		
NonHigh-Rise, Multi-Storied Buildings - All Occupancies	Sprinklered Building	\$32.00 per floor level
	NonSprinklered Building	\$48.00 per floor level
High-Rise Buildings - All Occupancies		\$1.280
Specialty Fire Permit		
Hazardous Materials-quantities over the exempt amounts		\$64.00
Commercial Kitchen Hood/Duct		\$100.00 per hood
Specialized Fire Extinguishing Systems including FM-200, Intergen, Halon, Carbon Dioxide, Dry Chemical, Water-Foam, and Water-Mist	0 - 10 Devices	\$128
	11 - 25 Devices	\$256
	26 - 50 Devices	\$384
	More than 50 Devices	\$512



**GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT**

FIRE FEE SUMMARY (EFFECTIVE JANUARY 1, 2010)		
Application, Permit or Service Type		FEE AMOUNT
Specialty Fire Permit (continued)		
New Fire Sprinkler System	Up to 10,000 square feet (floor area)	\$128
	10,001 - 30,000 sq. ft.	\$224
	30,001 - 75,000 sq. ft.	\$288
	75,001 - 125,000 sq. ft.	\$416
	125,001 - 200,000 sq. ft.	\$576
	Greater than 200,000 sq. ft.	\$768
Modifications to Existing Fire Sprinkler System for Tenant Alterations/Additions	0 - 20 Sprinkler Heads	\$64
	21 - 50 Sprinkler Heads	\$128
	51 - 100 Sprinkler Heads	\$192
	More than 100 Sprinkler Heads	\$256
Fire Standpipe System	Up to 4 Outlets	\$64
	Each Additional Group of 1-4 Outlets	\$32
New Fire Alarm and Detection System	Up to 10,000 square feet (floor area)	\$128
	10,001 - 30,000 sq. ft.	\$224
	30,001 - 75,000 sq. ft.	\$288
	75,001 - 125,000 sq. ft.	\$416
	125,001 - 200,000 sq. ft.	\$576
	Greater than 200,000 sq. ft.	\$768
Modifications to Existing Fire Alarm and Detection System for Tenant Alterations/Additions	0 - 20 Devices	\$64
	21 - 50 Devices	\$128
	51 - 100 Devices	\$192
	More than 100 Devices	\$256
Fire Sprinkler Pump		\$64
Fireworks/Pyrotechnics		\$250 per event
Tents and Temporary Structures		\$50
Storage Racks	Up to 500 square feet (floor area)	\$0
	501 - 12,000 sq. ft.	\$100
	12,001 - 20,000 sq. ft.	\$150
	20,001 - 500,000 sq. ft.	\$200
	Greater than 500,000 sq. ft.	\$300
Storage Racks with In-Rack Sprinklers	0 - 20 Sprinkler Heads	\$64
	21 - 50 Sprinkler Heads	\$128
	51 - 100 Sprinkler Heads	\$192
	More than 100 Sprinkler Heads	\$256

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Public Safety & Legal Administration Committee

Caption:

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

Council Meeting Date: April 27, 2010

Requesting Dept.: The Department of Fire Rescue

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: *The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

The purpose of this legislation is to increase its existing fees for fire inspections, fire plan reviews, and fire permits.

2. Please provide background information regarding this legislation.

Example: *The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

The department of Fire Rescue is requesting to amend Chapter 78, Article III Section 78-57, subsection (b) of the Code of Ordinances by increasing existing fees for fire inspections, fire permits, and fire plans review. The existing fees have not been modified in over 15 years and this legislation allows the City to align with existing cost for services.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA

(b) **Source Selection:** NA

(c) Bids/Proposals Due: NA

(d) Invitations Issued: NA

(e) Number of Bids: NA

(f) Proposals Received: NA

(g) Bidders/Proponents: NA

(h) Term of Contract: NA

4. Fund Account Center (*Ex. Name and number*): NA

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant* NA

6. Fiscal Impact: Shall increase and establish fees related to fire inspections, fire plan reviews, and fire permits.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Revenues generated from the collected fees under this legislation will be used to support the General Fund.

This Legislative Request Form Was Prepared By: Wilmond Meadows

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Legislative Counsel: s/Kristi D.A. Matthews

Contact Number: 404-330-6493

Originating Department: Department of Law

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: April 13, 2010

Anticipated Committee Meeting Date(s): April 27 and May 11, 2010

Anticipated Full Council Date: May 17, 2010

Commissioner Signature _____

Chief Procurement Officer Signature N/A

CAPTION

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE III, SECTION 78-57, SUBSECTION (b), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, ON BEHALF OF THE CITY OF ATLANTA FIRE RESCUE DEPARTMENT, FOR THE PURPOSE OF INCREASING EXISTING FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES, ESTABLISHING AUTHORIZED FIRE INSPECTION FEES, FIRE PLAN REVIEW FEES AND FIRE PERMIT FEES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Shall increase and establish fees related to fire inspection, fire plan review, and fire permits.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 4.14.10 (date) Reviewed by: [Signature] (date)

Submitted to Council: _____ (date)

Entered - 11/18/09 - sb
CL - 09L0900 - Angelena Kelly

10- R -0839

Claim of: Michael Hopkins
395 Mt. Zion Road
Atlanta, GA 30354

For damages alleged to have been sustained as a result of a fire
hydrant leak on September 28, 2009 at 395 Mt. Zion Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/10

CHAIR: H. D. Smith

Joyce R. Shepherd
Adrian

Refer to Public Safety by full council
5/17/2010

Entered – 11/25/09 - sb
CL- 09L0934 - Angelena Kelly

10- *K* -0855

Claim of: **Ron Tusio**
 4060 Peachtree Road, D – 170
 Atlanta, GA 30319

For damages alleged to have been sustained as a result of a
sewer back-up on November 10, 2009 at 1850 Memorial
Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY